

As Pending in the Senate Finance Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 166

Representative Oelslager

**Cosponsors: Representatives Butler, Carfagna, Carruthers, DeVitis,
Ghanbari, Holmes, A., Jones, Lanese, Lepore-Hagan, Lipps, Miller, A.,
Perales, Smith, K., Sobecki, Stein**

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5747.98, 5748.01, 5751.02, 5751.98, 5910.01, 5910.02, 5910.031,	291
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5923.01, 5923.02, 5923.03, 5923.12, 5923.37, 5924.01, and 6111.03	293
be amended; sections 115.56 (117.115), 125.66 (113.60), 125.661	294
(113.61), 5101.853 (5101.855), and 5167.121 (5167.051) be amended	295
for the purpose of adopting new section numbers as indicated in	296
parentheses; and new sections 3302.10, 5101.853, and 5164.37, and	297
sections 9.242, 111.09, 113.62, 117.131, 120.041, 121.374,	298
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4729.801, 4735.143, 4757.25, 4759.063, 4760.061, 4761.061,	311
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5101.854, 5101.856, 5103.037, 5103.0310, 5103.181, 5104.211, 313
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5167.122, 5167.123, 5167.15, 5167.22, 5501.91, 5705.322, 5741.07, 316
5741.071, 5747.26, 5902.09, 5922.01, 5922.02, 5922.03, 5922.04, 317
5922.05, 5922.06, 5922.07, and 5922.08 of the Revised Code be 318
enacted to read as follows: 319

Sec. 9.242. (A) As used in this section: 320

(1) "State agency" has the meaning defined in section 1.60 of 321
the Revised Code. 322

(2) "State contract" means any contract for goods, services, 323
or construction that is paid for in whole or in part with state 324
funds. A state contract is considered to be awarded when it is 325
entered into or executed, regardless of whether the parties to the 326
contract have exchanged any money. 327

(3) "Participate" means to respond to any solicitation or 328
procurement issued by a state agency or be the recipient of an 329
award of a state contract, or to provide any goods or services to 330
any state agency. 331

(B) No vendor who has been debarred by any state agency shall 332
participate in any state contract during the period of debarment. 333
After the debarment period expires, the vendor may be eligible to 334
respond to any solicitation or procurement, provide goods or 335
services to, and be awarded contracts by state agencies if the 336
vendor is not otherwise listed on a list of debarred vendors 337
applicable to state contracts. 338

(C) State agencies shall exclude any vendor debarred under 339
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 340
other section of the Revised Code from participating in state 341
contracts. 342

Sec. 102.02. (A)(1) Except as otherwise provided in division 343
(H) of this section, all of the following shall file with the 344
appropriate ethics commission the disclosure statement described 345
in this division on a form prescribed by the appropriate 346
commission: every person who is elected to or is a candidate for a 347
state, county, or city office and every person who is appointed to 348
fill a vacancy for an unexpired term in such an elective office; 349
all members of the state board of education; the director, 350
assistant directors, deputy directors, division chiefs, or persons 351
of equivalent rank of any administrative department of the state; 352
the president or other chief administrative officer of every state 353
institution of higher education as defined in section 3345.011 of 354
the Revised Code; the executive director and the members of the 355
capitol square review and advisory board appointed or employed 356
pursuant to section 105.41 of the Revised Code; all members of the 357
Ohio casino control commission, the executive director of the 358
commission, all professional employees of the commission, and all 359
technical employees of the commission who perform an internal 360
audit function; the individuals set forth in division (B)(2) of 361
section 187.03 of the Revised Code; the chief executive officer 362
and the members of the board of each state retirement system; each 363
employee of a state retirement board who is a state retirement 364
system investment officer licensed pursuant to section 1707.163 of 365
the Revised Code; the members of the Ohio retirement study council 366
appointed pursuant to division (C) of section 171.01 of the 367
Revised Code; employees of the Ohio retirement study council, 368
other than employees who perform purely administrative or clerical 369
functions; the administrator of workers' compensation and each 370
member of the bureau of workers' compensation board of directors; 371
the bureau of workers' compensation director of investments; the 372
chief investment officer of the bureau of workers' compensation; 373
all members of the board of commissioners on grievances and 374

discipline of the supreme court and the ethics commission created 375
under section 102.05 of the Revised Code; every business manager, 376
treasurer, or superintendent of a city, local, exempted village, 377
joint vocational, or cooperative education school district or an 378
educational service center; every person who is elected to or is a 379
candidate for the office of member of a board of education of a 380
city, local, exempted village, joint vocational, or cooperative 381
education school district or of a governing board of an 382
educational service center that has a total student count of 383
twelve thousand or more as most recently determined by the 384
department of education pursuant to section 3317.03 of the Revised 385
Code; every person who is appointed to the board of education of a 386
municipal school district pursuant to division (B) or (F) of 387
section 3311.71 of the Revised Code; all members of the board of 388
directors of a sanitary district that is established under Chapter 389
6115. of the Revised Code and organized wholly for the purpose of 390
providing a water supply for domestic, municipal, and public use, 391
and that includes two municipal corporations in two counties; 392
every public official or employee who is paid a salary or wage in 393
accordance with schedule C of section 124.15 or schedule E-2 of 394
section 124.152 of the Revised Code; members of the board of 395
trustees and the executive director of the southern Ohio 396
agricultural and community development foundation; all members 397
appointed to the Ohio livestock care standards board under section 398
904.02 of the Revised Code; all entrepreneurs in residence 399
assigned by the LeanOhio office in the department of 400
administrative services under section 125.65 of the Revised Code 401
and every other public official or employee who is designated by 402
the appropriate ethics commission pursuant to division (B) of this 403
section. 404

(2) The disclosure statement shall include all of the 405
following: 406

(a) The name of the person filing the statement and each 407
member of the person's immediate family and all names under which 408
the person or members of the person's immediate family do 409
business; 410

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 411
section and except as otherwise provided in section 102.022 of the 412
Revised Code, identification of every source of income, other than 413
income from a legislative agent identified in division 414
(A)(2)(b)(ii) of this section, received during the preceding 415
calendar year, in the person's own name or by any other person for 416
the person's use or benefit, by the person filing the statement, 417
and a brief description of the nature of the services for which 418
the income was received. If the person filing the statement is a 419
member of the general assembly, the statement shall identify the 420
amount of every source of income received in accordance with the 421
following ranges of amounts: zero or more, but less than one 422
thousand dollars; one thousand dollars or more, but less than ten 423
thousand dollars; ten thousand dollars or more, but less than 424
twenty-five thousand dollars; twenty-five thousand dollars or 425
more, but less than fifty thousand dollars; fifty thousand dollars 426
or more, but less than one hundred thousand dollars; and one 427
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 428
section shall not be construed to require a person filing the 429
statement who derives income from a business or profession to 430
disclose the individual items of income that constitute the gross 431
income of that business or profession, except for those individual 432
items of income that are attributable to the person's or, if the 433
income is shared with the person, the partner's, solicitation of 434
services or goods or performance, arrangement, or facilitation of 435
services or provision of goods on behalf of the business or 436
profession of clients, including corporate clients, who are 437
legislative agents. A person who files the statement under this 438
section shall disclose the identity of and the amount of income 439

received from a person who the public official or employee knows 440
or has reason to know is doing or seeking to do business of any 441
kind with the public official's or employee's agency. 442

(ii) If the person filing the statement is a member of the 443
general assembly, the statement shall identify every source of 444
income and the amount of that income that was received from a 445
legislative agent during the preceding calendar year, in the 446
person's own name or by any other person for the person's use or 447
benefit, by the person filing the statement, and a brief 448
description of the nature of the services for which the income was 449
received. Division (A)(2)(b)(ii) of this section requires the 450
disclosure of clients of attorneys or persons licensed under 451
section 4732.12 of the Revised Code, or patients of persons 452
licensed under section 4731.14 of the Revised Code, if those 453
clients or patients are legislative agents. Division (A)(2)(b)(ii) 454
of this section requires a person filing the statement who derives 455
income from a business or profession to disclose those individual 456
items of income that constitute the gross income of that business 457
or profession that are received from legislative agents. 458

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 459
of this section, division (A)(2)(b)(i) of this section applies to 460
attorneys, physicians, and other persons who engage in the 461
practice of a profession and who, pursuant to a section of the 462
Revised Code, the common law of this state, a code of ethics 463
applicable to the profession, or otherwise, generally are required 464
not to reveal, disclose, or use confidences of clients, patients, 465
or other recipients of professional services except under 466
specified circumstances or generally are required to maintain 467
those types of confidences as privileged communications except 468
under specified circumstances. Division (A)(2)(b)(i) of this 469
section does not require an attorney, physician, or other 470
professional subject to a confidentiality requirement as described 471

in division (A)(2)(b)(iii) of this section to disclose the name, 472
other identity, or address of a client, patient, or other 473
recipient of professional services if the disclosure would 474
threaten the client, patient, or other recipient of professional 475
services, would reveal details of the subject matter for which 476
legal, medical, or professional advice or other services were 477
sought, or would reveal an otherwise privileged communication 478
involving the client, patient, or other recipient of professional 479
services. Division (A)(2)(b)(i) of this section does not require 480
an attorney, physician, or other professional subject to a 481
confidentiality requirement as described in division 482
(A)(2)(b)(iii) of this section to disclose in the brief 483
description of the nature of services required by division 484
(A)(2)(b)(i) of this section any information pertaining to 485
specific professional services rendered for a client, patient, or 486
other recipient of professional services that would reveal details 487
of the subject matter for which legal, medical, or professional 488
advice was sought or would reveal an otherwise privileged 489
communication involving the client, patient, or other recipient of 490
professional services. 491

(c) The name of every corporation on file with the secretary 492
of state that is incorporated in this state or holds a certificate 493
of compliance authorizing it to do business in this state, trust, 494
business trust, partnership, or association that transacts 495
business in this state in which the person filing the statement or 496
any other person for the person's use and benefit had during the 497
preceding calendar year an investment of over one thousand dollars 498
at fair market value as of the thirty-first day of December of the 499
preceding calendar year, or the date of disposition, whichever is 500
earlier, or in which the person holds any office or has a 501
fiduciary relationship, and a description of the nature of the 502
investment, office, or relationship. Division (A)(2)(c) of this 503
section does not require disclosure of the name of any bank, 504

savings and loan association, credit union, or building and loan 505
association with which the person filing the statement has a 506
deposit or a withdrawable share account. 507

(d) All fee simple and leasehold interests to which the 508
person filing the statement holds legal title to or a beneficial 509
interest in real property located within the state, excluding the 510
person's residence and property used primarily for personal 511
recreation; 512

(e) The names of all persons residing or transacting business 513
in the state to whom the person filing the statement owes, in the 514
person's own name or in the name of any other person, more than 515
one thousand dollars. Division (A)(2)(e) of this section shall not 516
be construed to require the disclosure of debts owed by the person 517
resulting from the ordinary conduct of a business or profession or 518
debts on the person's residence or real property used primarily 519
for personal recreation, except that the superintendent of 520
financial institutions and any deputy superintendent of banks 521
shall disclose the names of all state-chartered banks and all bank 522
subsidiary corporations subject to regulation under section 523
1109.44 of the Revised Code to whom the superintendent or deputy 524
superintendent owes any money. 525

(f) The names of all persons residing or transacting business 526
in the state, other than a depository excluded under division 527
(A)(2)(c) of this section, who owe more than one thousand dollars 528
to the person filing the statement, either in the person's own 529
name or to any person for the person's use or benefit. Division 530
(A)(2)(f) of this section shall not be construed to require the 531
disclosure of clients of attorneys or persons licensed under 532
section 4732.12 of the Revised Code, or patients of persons 533
licensed under section 4731.14 of the Revised Code, nor the 534
disclosure of debts owed to the person resulting from the ordinary 535
conduct of a business or profession. 536

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

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

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a

meeting or convention of a national or state organization to which 569
any state agency, including, but not limited to, any legislative 570
agency or state institution of higher education as defined in 571
section 3345.011 of the Revised Code, pays membership dues, or any 572
political subdivision or any office or agency of a political 573
subdivision pays membership dues, that are incurred in connection 574
with the person's official duties and that exceed one hundred 575
dollars aggregated per calendar year; 576

(j) If the disclosure statement is filed by a public official 577
or employee described in division (B)(2) of section 101.73 of the 578
Revised Code or division (B)(2) of section 121.63 of the Revised 579
Code who receives a statement from a legislative agent, executive 580
agency lobbyist, or employer that contains the information 581
described in division (F)(2) of section 101.73 of the Revised Code 582
or division (G)(2) of section 121.63 of the Revised Code, all of 583
the nondisputed information contained in the statement delivered 584
to that public official or employee by the legislative agent, 585
executive agency lobbyist, or employer under division (F)(2) of 586
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 587

(3) A person may file a statement required by this section in 588
person, by mail, or by electronic means. 589

(4) A person who is required to file a statement under this 590
section shall file that statement according to the following 591
deadlines, as applicable: 592

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 593
and (d) of this section, the person shall file the statement not 594
later than the fifteenth day of May of each year. 595

(b) A person who is a candidate for elective office shall 596
file the statement no later than the thirtieth day before the 597
primary, special, or general election at which the candidacy is to 598
be voted on, whichever election occurs soonest, except that a 599

person who is a write-in candidate shall file the statement no 600
later than the twentieth day before the earliest election at which 601
the person's candidacy is to be voted on. 602

(c) A person who is appointed to fill a vacancy for an 603
unexpired term in an elective office shall file the statement 604
within fifteen days after the person qualifies for office. 605

(d) A person who is appointed or employed after the fifteenth 606
day of May, other than a person described in division (A)(4)(c) of 607
this section, shall file an annual statement within ninety days 608
after appointment or employment. 609

(5) No person shall be required to file with the appropriate 610
ethics commission more than one statement or pay more than one 611
filing fee for any one calendar year. 612

(6) The appropriate ethics commission, for good cause, may 613
extend for a reasonable time the deadline for filing a statement 614
under this section. 615

(7) A statement filed under this section is subject to public 616
inspection at locations designated by the appropriate ethics 617
commission except as otherwise provided in this section. 618

(B) The Ohio ethics commission, the joint legislative ethics 619
committee, and the board of commissioners on grievances and 620
discipline of the supreme court, using the rule-making procedures 621
of Chapter 119. of the Revised Code, may require any class of 622
public officials or employees under its jurisdiction and not 623
specifically excluded by this section whose positions involve a 624
substantial and material exercise of administrative discretion in 625
the formulation of public policy, expenditure of public funds, 626
enforcement of laws and rules of the state or a county or city, or 627
the execution of other public trusts, to file an annual statement 628
under division (A) of this section. The appropriate ethics 629
commission shall send the public officials or employees written 630

notice of the requirement not less than thirty days before the 631
applicable filing deadline unless the public official or employee 632
is appointed after that date, in which case the notice shall be 633
sent within thirty days after appointment, and the filing shall be 634
made not later than ninety days after appointment. 635

Disclosure statements filed under this division with the Ohio 636
ethics commission by members of boards, commissions, or bureaus of 637
the state for which no compensation is received other than 638
reasonable and necessary expenses shall be kept confidential. 639
Disclosure statements filed with the Ohio ethics commission under 640
division (A) of this section by business managers, treasurers, and 641
superintendents of city, local, exempted village, joint 642
vocational, or cooperative education school districts or 643
educational service centers shall be kept confidential, except 644
that any person conducting an audit of any such school district or 645
educational service center pursuant to ~~section 115.56~~ or Chapter 646
117. of the Revised Code may examine the disclosure statement of 647
any business manager, treasurer, or superintendent of that school 648
district or educational service center. Disclosure statements 649
filed with the Ohio ethics commission under division (A) of this 650
section by the individuals set forth in division (B)(2) of section 651
187.03 of the Revised Code shall be kept confidential. The Ohio 652
ethics commission shall examine each disclosure statement required 653
to be kept confidential to determine whether a potential conflict 654
of interest exists for the person who filed the disclosure 655
statement. A potential conflict of interest exists if the private 656
interests of the person, as indicated by the person's disclosure 657
statement, might interfere with the public interests the person is 658
required to serve in the exercise of the person's authority and 659
duties in the person's office or position of employment. If the 660
commission determines that a potential conflict of interest 661
exists, it shall notify the person who filed the disclosure 662
statement and shall make the portions of the disclosure statement 663

that indicate a potential conflict of interest subject to public 664
inspection in the same manner as is provided for other disclosure 665
statements. Any portion of the disclosure statement that the 666
commission determines does not indicate a potential conflict of 667
interest shall be kept confidential by the commission and shall 668
not be made subject to public inspection, except as is necessary 669
for the enforcement of Chapters 102. and 2921. of the Revised Code 670
and except as otherwise provided in this division. 671

(C) No person shall knowingly fail to file, on or before the 672
applicable filing deadline established under this section, a 673
statement that is required by this section. 674

(D) No person shall knowingly file a false statement that is 675
required to be filed under this section. 676

(E)(1) Except as provided in divisions (E)(2) and (3) of this 677
section, the statement required by division (A) or (B) of this 678
section shall be accompanied by a filing fee of sixty dollars. 679

(2) The statement required by division (A) of this section 680
shall be accompanied by the following filing fee to be paid by the 681
person who is elected or appointed to, or is a candidate for, any 682
of the following offices: 683

For state office, except member of the		684
state board of education	\$95	685
For office of member of general assembly	\$40	686
For county office	\$60	687
For city office	\$35	688
For office of member of the state board		689
of education	\$35	690
For office of member of a city, local,		691
exempted village, or cooperative		692
education board of		693
education or educational service		694

center governing board	\$30	695
For position of business manager,		696
treasurer, or superintendent of a		697
city, local, exempted village, joint		698
vocational, or cooperative education		699
school district or		700
educational service center	\$30	701

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

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

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

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund,

which is hereby created in the state treasury. All moneys credited 727
to the fund shall be used solely for expenses related to the 728
operation and statutory functions of the commission. 729

(3) The joint legislative ethics committee shall deposit all 730
receipts it receives from the payment of financial disclosure 731
statement filing fees under divisions (E) and (F) of this section 732
into the joint legislative ethics committee investigative and 733
financial disclosure fund. 734

(H) Division (A) of this section does not apply to a person 735
elected or appointed to the office of precinct, ward, or district 736
committee member under Chapter 3517. of the Revised Code; a 737
presidential elector; a delegate to a national convention; village 738
or township officials and employees; any physician or psychiatrist 739
who is paid a salary or wage in accordance with schedule C of 740
section 124.15 or schedule E-2 of section 124.152 of the Revised 741
Code and whose primary duties do not require the exercise of 742
administrative discretion; or any member of a board, commission, 743
or bureau of any county or city who receives less than one 744
thousand dollars per year for serving in that position. 745

Sec. 102.021. (A)(1) For the twenty-four-month period 746
immediately following the end of the former state elected 747
officer's or staff member's service or public employment, except 748
as provided in division (B) or (D) of this section, each former 749
state elected officer or staff member who filed or was required to 750
file a disclosure statement under section 102.02 of the Revised 751
Code shall file, on or before the deadlines specified in division 752
(D) of this section, with the joint legislative ethics committee a 753
statement that shall include the information described in 754
divisions (A)(2), (3), (4), and (5) of this section, as 755
applicable. The statement shall be filed on a form and in the 756
manner specified by the joint legislative ethics committee. This 757

division does not apply to a state elected officer or staff member 758
who filed or was required to file a disclosure statement under 759
section 102.02 of the Revised Code, who leaves service or public 760
employment, and who takes another position as a state elected 761
officer or staff member who files or is required to file a 762
disclosure statement under that section. 763

No person shall fail to file, on or before the deadlines 764
specified in division (D) of this section, a statement that is 765
required by this division. 766

(2) The statement referred to in division (A)(1) of this 767
section shall describe the source of all income received, in the 768
former state elected officer's or staff member's own name or by 769
any other person for the person's use or benefit, and briefly 770
describe the nature of the services for which the income was 771
received if the source of the income was any of the following: 772

(a) An executive agency lobbyist or a legislative agent; 773

(b) The employer of an executive agency lobbyist or 774
legislative agent, except that this division does not apply if the 775
employer is any state agency or political subdivision of the 776
state; 777

(c) Any entity, association, or business that, at any time 778
during the two immediately preceding calendar years, was awarded 779
one or more contracts by one or more state agencies that in the 780
aggregate had a value of one hundred thousand dollars or more, or 781
bid on one or more contracts to be awarded by one or more state 782
agencies that in the aggregate had a value of one hundred thousand 783
dollars or more. 784

(3) If the former state elected officer or staff member 785
received no income as described in division (A)(2) of this 786
section, the statement referred to in division (A)(1) of this 787

section shall indicate that fact. 788

(4) If the former state elected officer or staff member 789
directly or indirectly made, either separately or in combination 790
with another, any expenditure or gift for transportation, lodging, 791
or food or beverages to, at the request of, for the benefit of, or 792
on behalf of any public officer or employee, and if the former 793
state elected officer or staff member would be required to report 794
the expenditure or gift in a statement under sections 101.70 to 795
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever 796
is applicable, if the former state elected officer or staff member 797
was a legislative agent or executive agency lobbyist at the time 798
the expenditure or gift was made, the statement referred to in 799
division (A)(1) of this section shall include all information 800
relative to that gift or expenditure that would be required in a 801
statement under sections 101.70 to 101.79 or sections 121.60 to 802
121.69 of the Revised Code if the former state elected officer or 803
staff member was a legislative agent or executive agency lobbyist 804
at the time the expenditure or gift was made. 805

(5) If the former state elected officer or staff member made 806
no expenditure or gift as described in division (A)(4) of this 807
section, the statement referred to in division (A)(1) of this 808
section shall indicate that fact. 809

(B) If, at any time during the twenty-four-month period 810
immediately following the end of the former state elected 811
officer's or staff member's service or public employment, a former 812
state elected officer or staff member who filed or was required to 813
file a disclosure statement under section 102.02 of the Revised 814
Code becomes a legislative agent or an executive agency lobbyist, 815
the former state elected officer or staff member shall comply with 816
all registration and filing requirements set forth in sections 817
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 818
whichever is applicable, and, the former state elected officer or 819

staff member also shall file a statement under division (A)(1) of 820
this section except that the statement filed under division (A)(1) 821
of this section does not need to include information regarding any 822
income source, expenditure, or gift to the extent that that 823
information was included in any registration or statement filed 824
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 825
the Revised Code. 826

(C) Except as otherwise provided in this division, division 827
(A)(2) of this section applies to attorneys, physicians, and other 828
persons who engage in the practice of a profession and who, 829
pursuant to a section of the Revised Code, the common law of this 830
state, a code of ethics applicable to the profession, or 831
otherwise, generally are required not to reveal, disclose, or use 832
confidences of clients, patients, or other recipients of 833
professional services except under specified circumstances or 834
generally are required to maintain those types of confidences as 835
privileged communications except under specified circumstances. 836
Division (A)(2) of this section does not require an attorney, 837
physician, or other professional subject to a confidentiality 838
requirement as described in this division to disclose the name, 839
other identity, or address of a client, patient, or other 840
recipient of professional services if the disclosure would 841
threaten the client, patient, or other recipient of professional 842
services, would reveal details of the subject matter for which 843
legal, medical, or professional advice or other services were 844
sought, or would reveal an otherwise privileged communication 845
involving the client, patient, or other recipient of professional 846
services. Division (A)(2) of this section does not require an 847
attorney, physician, or other professional subject to a 848
confidentiality requirement as described in this division to 849
disclose in the brief description of the nature of services 850
required by division (A)(2) of this section any information 851
pertaining to specific professional services rendered for a 852

client, patient, or other recipient of professional services that 853
would reveal details of the subject matter for which legal, 854
medical, or professional advice was sought or would reveal an 855
otherwise privileged communication involving the client, patient, 856
or other recipient of professional services. 857

(D)(1) Each state elected officer or staff member who filed 858
or was required to file a disclosure statement under section 859
102.02 of the Revised Code and who leaves public service or public 860
employment shall file an initial statement under division (A)(1) 861
of this section not later than the day on which the former state 862
elected officer or staff member leaves public service or public 863
employment. The initial statement shall specify whether the person 864
will, or will not, receive any income from a source described in 865
division (A)(2)(a), (b), or (c) of this section. 866

If a person files an initial statement under this division 867
that states that the person will receive income from a source 868
described in division (A)(2)(a), (b), or (c) of this section, the 869
person is required to file statements under division (A)(2), (3), 870
(4), or (5) of this section at the times specified in division 871
(D)(2) of this section. 872

If a person files an initial statement under this division 873
that states that the person will not receive income from a source 874
described in division (A)(2)(a), (b), or (c) of this section, 875
except as otherwise provided in this division, the person is not 876
required to file statements under division (A)(2), (4), or (5) of 877
this section or to file subsequent statements under division 878
(A)(3) of this section. If a person files an initial statement 879
under this division that states that the person will not receive 880
income from a source described in division (A)(2)(a), (b), or (c) 881
of this section, and, subsequent to the filing of that initial 882
statement, the person receives any income from a source described 883
in division (A)(2)(a), (b), or (c) of this section, the person 884

within ten days shall file a statement under division (A)(2) of 885
this section that contains the information described in that 886
division, and the person thereafter shall file statements under 887
division (A)(2), (3), (4), or (5) of this section at the times 888
specified in division (D)(2) of this section. 889

(2) After the filing of the initial statement under division 890
(D)(1) of this section, each person required to file a statement 891
under division (A)(2), (3), (4), or (5) of this section shall file 892
it on or before the last calendar day of January, May, and 893
September. The statements described in divisions (A)(2), (3), and 894
(5) of this section shall relate to the sources of income the 895
person received in the immediately preceding filing period from 896
each source of income in each of the categories listed in division 897
(A)(2) of this section. The statement described in division (A)(4) 898
of this section shall include any information required to be 899
reported regarding expenditures and gifts of the type described in 900
division (A)(4) of this section occurring since the filing of the 901
immediately preceding statement. 902

If, pursuant to this division, a person files a statement 903
under division (A)(2) of this section, the person is required to 904
file statements under division (A)(4) of this section, and 905
subsequent statements under division (A)(2), (3), or (5) of this 906
section, at the times specified in this division. In addition, if, 907
subsequent to the filing of the statement under division (A)(2) of 908
this section, the person receives any income from a source 909
described in division (A)(2)(a), (b), or (c) of this section that 910
was not listed on the statement filed under division (A)(2) of 911
this section, the person within ten days shall file a statement 912
under division (A)(2) of this section that contains the 913
information described in that division regarding the new income 914
source. 915

If, pursuant to this division, a person files a statement 916

under division (A)(3) of this section, except as otherwise 917
provided in this division, the person thereafter is not required 918
to file statements under division (A)(2), (4), or (5) of this 919
section, or to file subsequent statements under division (A)(3) of 920
this section. If, subsequent to the filing of the statement under 921
division (A)(3) of this section, the person receives any income 922
from a source described in division (A)(2)(a), (b), or (c) of this 923
section, the person within ten days shall file a statement under 924
division (A)(2) of this section that contains the information 925
described in that division regarding the new income source, and 926
the person thereafter shall file statements under division (A)(4) 927
of this section, and subsequent statements under division (A)(2) 928
or (3) of this section, at the times specified in this division. 929

(3) No fee shall be required for filing ~~an initial a~~ 930
statement under ~~division (D)(1) of~~ this section. ~~The~~ 931

~~person filing a statement under division (D)(2) of this~~ 932
~~section that is required to be filed on or before the last~~ 933
~~calendar day of January, May, and September shall pay a ten dollar~~ 934
~~filing fee with each such statement not to exceed thirty dollars~~ 935
~~in any calendar year. The, except that the~~ joint legislative 936
ethics committee may charge late fees in the same manner as 937
specified in division (G) of section 101.72 of the Revised Code. 938

(E) Any state elected officer or staff member who filed or 939
was required to file a disclosure statement under section 102.02 940
of the Revised Code and who leaves public service or public 941
employment shall provide a forwarding address to the officer's or 942
staff member's last employer, and the employer shall provide the 943
person's name and address to the joint legislative ethics 944
committee. The former elected state officer or staff member shall 945
provide updated forwarding addresses as necessary to the joint 946
legislative ethics committee during the twenty-four-month period 947
during which division (A)(1) of this section applies. The public 948

agency or appointing authority that was the last employer of a 949
person required to file a statement under division (A)(2) of this 950
section shall furnish to the person a copy of the form needed to 951
complete the initial statement required under division (D)(1) of 952
this section. 953

(F) During the twenty-four-month period immediately following 954
the end of the former state elected officer's or staff member's 955
service or public employment, no person required to file a 956
statement under this section shall receive from a source described 957
in division (A)(2)(a), (b), or (c) of this section, and no source 958
described in division (A)(2)(a), (b), or (c) of this section shall 959
pay to that person, any compensation that is contingent in any way 960
upon the introduction, modification, passage, or defeat of any 961
legislation or the outcome of any executive agency decision. 962

(G) As used in this section "state elected officer or staff 963
member" means any elected officer of this state, any staff, as 964
defined in section 101.70 of the Revised Code, or any staff, as 965
defined in section 121.60 of the Revised Code. 966

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 967
Revised Code: 968

(1) "JMOC" means the joint medicaid oversight committee 969
created under this section. 970

(2) "State and local government medicaid agency" means all of 971
the following: 972

(a) The department of medicaid; 973

(b) ~~The office of health transformation;~~ 974

~~(c)~~ Each state agency and political subdivision with which 975
the department of medicaid contracts under section 5162.35 of the 976
Revised Code to have the state agency or political subdivision 977
administer one or more components of the medicaid program, or one 978

or more aspects of a component, under the department's supervision; 979
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~~(d)~~(c) Each agency of a political subdivision that is responsible for administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A)(2)~~(e)~~(b) of this section. 981
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(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members: 986
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(1) Five members of the senate appointed by the president of the senate, three of whom are members of the majority party and two of whom are members of the minority party; 988
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(2) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party. 991
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(C) The term of each JMOC member shall begin on the day of appointment to JMOC and end on the last day that the member serves in the house (in the case of a member appointed by the speaker) or senate (in the case of a member appointed by the president) during the general assembly for which the member is appointed to JMOC. The president and speaker shall make the initial appointments not later than fifteen days after March 20, 2014. However, if this section takes effect before January 1, 2014, the president and speaker shall make the initial appointments during the period beginning January 1, 2014, and ending January 15, 2014. The president and speaker shall make subsequent appointments not later than fifteen days after the commencement of the first regular session of each general assembly. JMOC members may be reappointed. A vacancy on JMOC shall be filled in the same manner as the original appointment. 995
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(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

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

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

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

(H) The JMOC chairperson may, subject to approval by the speaker of the house of representatives or the speaker's designee and the president of the senate or the president's designee, employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or the president's designee. JMOC may contract for the services of

persons who are qualified by education and experience to advise, 1042
consult with, or otherwise assist JMOC in the performance of its 1043
duties. 1044

(I) The JMOC chairperson, when authorized by JMOC and the 1045
president and speaker, may issue subpoenas and subpoenas duces 1046
tecum in aid of JMOC's performance of its duties. A subpoena may 1047
require a witness in any part of the state to appear before JMOC 1048
at a time and place designated in the subpoena to testify. A 1049
subpoena duces tecum may require witnesses or other persons in any 1050
part of the state to produce books, papers, records, and other 1051
tangible evidence before JMOC at a time and place designated in 1052
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1053
be issued, served, and returned, and has consequences, as 1054
specified in sections 101.41 to 101.45 of the Revised Code. 1055

(J) The JMOC chairperson may administer oaths to witnesses 1056
appearing before JMOC. 1057

Sec. 103.416. ~~JMOC on a quarterly basis shall monitor the 1058
actions of the department of medicaid under section 5167.04 of the 1059
Revised Code in preparing to implement inclusion of alcohol, drug 1060
addiction, and mental health services covered by medicaid in the 1061
care management system established under section 5167.03 of the 1062
Revised Code. When the inclusion of the services in the system 1063
begins to be implemented, JMOC on a periodic basis shall monitor 1064
the department's department of medicaid's inclusion of the 1065
alcohol, drug addiction, and mental health services in the care 1066
management system established under section 5167.03 of the Revised 1067
Code. 1068~~

Sec. 107.036. (A) For each business incentive tax credit, the 1069
main operating appropriations act shall contain a detailed 1070
estimate of the total amount of credits that may be authorized in 1071

each year, an estimate of the amount of credits expected to be 1072
claimed in each year, and an estimate of the amount of credits 1073
expected to remain outstanding at the end of the biennium. The 1074
governor shall include such estimates in the state budget 1075
submitted to the general assembly pursuant to section 107.03 of 1076
the Revised Code. 1077

(B) As used in this section, "business incentive tax credit" 1078
means all of the following: 1079

(1) The job creation tax credit under section 122.17 of the 1080
Revised Code; 1081

(2) The job retention tax credit under section 122.171 of the 1082
Revised Code; 1083

(3) The historic preservation tax credit under section 1084
149.311 of the Revised Code; 1085

(4) The motion picture and Broadway theatrical production tax 1086
credit under section 122.85 of the Revised Code; 1087

(5) The new markets tax credit under section 5725.33 of the 1088
Revised Code; 1089

(6) The research and development credit under section 166.21 1090
of the Revised Code; 1091

(7) The small business investment credit under section 122.86 1092
of the Revised Code; 1093

(8) The rural growth investment credit under section 122.152 1094
of the Revised Code; 1095

(9) The opportunity zone investment credit under section 1096
122.84 of the Revised Code. 1097

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1098
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1099

a completed form prescribed pursuant to division (C)(1) of this 1100
section, and a set of fingerprint impressions obtained in the 1101
manner described in division (C)(2) of this section, the 1102
superintendent of the bureau of criminal identification and 1103
investigation shall conduct a criminal records check in the manner 1104
described in division (B) of this section to determine whether any 1105
information exists that indicates that the person who is the 1106
subject of the request previously has been convicted of or pleaded 1107
guilty to any of the following: 1108

(a) A violation of section 2903.01, 2903.02, 2903.03, 1109
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1110
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1111
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1112
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1113
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1114
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1115
2925.06, or 3716.11 of the Revised Code, felonious sexual 1116
penetration in violation of former section 2907.12 of the Revised 1117
Code, a violation of section 2905.04 of the Revised Code as it 1118
existed prior to July 1, 1996, a violation of section 2919.23 of 1119
the Revised Code that would have been a violation of section 1120
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1121
had the violation been committed prior to that date, or a 1122
violation of section 2925.11 of the Revised Code that is not a 1123
minor drug possession offense; 1124

(b) A violation of an existing or former law of this state, 1125
any other state, or the United States that is substantially 1126
equivalent to any of the offenses listed in division (A)(1)(a) of 1127
this section; 1128

(c) If the request is made pursuant to section 3319.39 of the 1129
Revised Code for an applicant who is a teacher, any offense 1130

specified in section 3319.31 of the Revised Code. 1131

(2) On receipt of a request pursuant to section 3712.09 or 1132
3721.121 of the Revised Code, a completed form prescribed pursuant 1133
to division (C)(1) of this section, and a set of fingerprint 1134
impressions obtained in the manner described in division (C)(2) of 1135
this section, the superintendent of the bureau of criminal 1136
identification and investigation shall conduct a criminal records 1137
check with respect to any person who has applied for employment in 1138
a position for which a criminal records check is required by those 1139
sections. The superintendent shall conduct the criminal records 1140
check in the manner described in division (B) of this section to 1141
determine whether any information exists that indicates that the 1142
person who is the subject of the request previously has been 1143
convicted of or pleaded guilty to any of the following: 1144

(a) A violation of section 2903.01, 2903.02, 2903.03, 1145
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1146
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1147
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1148
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1149
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1150
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1151
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1152
2925.22, 2925.23, or 3716.11 of the Revised Code; 1153

(b) An existing or former law of this state, any other state, 1154
or the United States that is substantially equivalent to any of 1155
the offenses listed in division (A)(2)(a) of this section. 1156

(3) On receipt of a request pursuant to section 173.27, 1157
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1158
5123.081, or 5123.169 of the Revised Code, a completed form 1159
prescribed pursuant to division (C)(1) of this section, and a set 1160
of fingerprint impressions obtained in the manner described in 1161
division (C)(2) of this section, the superintendent of the bureau 1162

of criminal identification and investigation shall conduct a 1163
criminal records check of the person for whom the request is made. 1164
The superintendent shall conduct the criminal records check in the 1165
manner described in division (B) of this section to determine 1166
whether any information exists that indicates that the person who 1167
is the subject of the request previously has been convicted of, 1168
has pleaded guilty to, or (except in the case of a request 1169
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1170
Code) has been found eligible for intervention in lieu of 1171
conviction for any of the following, regardless of the date of the 1172
conviction, the date of entry of the guilty plea, or (except in 1173
the case of a request pursuant to section 5164.34, 5164.341, or 1174
5164.342 of the Revised Code) the date the person was found 1175
eligible for intervention in lieu of conviction: 1176

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1177
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1178
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1179
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1180
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1181
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1182
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1183
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1184
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1185
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1186
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1187
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1188
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1189
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1190
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1191
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1192
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1193
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1194
2927.12, or 3716.11 of the Revised Code; 1195

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	1196 1197
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	1198 1199
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;	1200 1201 1202 1203
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.	1204 1205 1206 1207
(4) On receipt of a request pursuant to section 2151.86 <u>or</u> <u>2151.904</u> of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	1208 1209 1210 1211 1212 1213 1214 1215 1216 1217
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11	1218 1219 1220 1221 1222 1223 1224 1225 1226

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02,

2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1259
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1260
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1261
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1262
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1263
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1264
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1265
Revised Code, felonious sexual penetration in violation of former 1266
section 2907.12 of the Revised Code, a violation of section 1267
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1268
violation of section 2919.23 of the Revised Code that would have 1269
been a violation of section 2905.04 of the Revised Code as it 1270
existed prior to July 1, 1996, had the violation been committed 1271
prior to that date, a violation of section 2925.11 of the Revised 1272
Code that is not a minor drug possession offense, a violation of 1273
section 2923.02 or 2923.03 of the Revised Code that relates to a 1274
crime specified in this division, or a second violation of section 1275
4511.19 of the Revised Code within five years of the date of 1276
application for licensure or certification. 1277

(b) A violation of an existing or former law of this state, 1278
any other state, or the United States that is substantially 1279
equivalent to any of the offenses or violations described in 1280
division (A)(5)(a) of this section. 1281

(6) Upon receipt of a request pursuant to section 5153.111 of 1282
the Revised Code, a completed form prescribed pursuant to division 1283
(C)(1) of this section, and a set of fingerprint impressions 1284
obtained in the manner described in division (C)(2) of this 1285
section, the superintendent of the bureau of criminal 1286
identification and investigation shall conduct a criminal records 1287
check in the manner described in division (B) of this section to 1288
determine whether any information exists that indicates that the 1289
person who is the subject of the request previously has been 1290

convicted of or pleaded guilty to any of the following: 1291

(a) A violation of section 2903.01, 2903.02, 2903.03, 1292
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1293
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1294
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1295
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1296
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1297
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1298
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1299
felonious sexual penetration in violation of former section 1300
2907.12 of the Revised Code, a violation of section 2905.04 of the 1301
Revised Code as it existed prior to July 1, 1996, a violation of 1302
section 2919.23 of the Revised Code that would have been a 1303
violation of section 2905.04 of the Revised Code as it existed 1304
prior to July 1, 1996, had the violation been committed prior to 1305
that date, or a violation of section 2925.11 of the Revised Code 1306
that is not a minor drug possession offense; 1307

(b) A violation of an existing or former law of this state, 1308
any other state, or the United States that is substantially 1309
equivalent to any of the offenses listed in division (A)(6)(a) of 1310
this section. 1311

(7) On receipt of a request for a criminal records check from 1312
an individual pursuant to section 4749.03 or 4749.06 of the 1313
Revised Code, accompanied by a completed copy of the form 1314
prescribed in division (C)(1) of this section and a set of 1315
fingerprint impressions obtained in a manner described in division 1316
(C)(2) of this section, the superintendent of the bureau of 1317
criminal identification and investigation shall conduct a criminal 1318
records check in the manner described in division (B) of this 1319
section to determine whether any information exists indicating 1320
that the person who is the subject of the request has been 1321
convicted of or pleaded guilty to a felony in this state or in any 1322

other state. If the individual indicates that a firearm will be 1323
carried in the course of business, the superintendent shall 1324
require information from the federal bureau of investigation as 1325
described in division (B)(2) of this section. Subject to division 1326
(F) of this section, the superintendent shall report the findings 1327
of the criminal records check and any information the federal 1328
bureau of investigation provides to the director of public safety. 1329

(8) On receipt of a request pursuant to section 1321.37, 1330
1321.53, or 4763.05 of the Revised Code, a completed form 1331
prescribed pursuant to division (C)(1) of this section, and a set 1332
of fingerprint impressions obtained in the manner described in 1333
division (C)(2) of this section, the superintendent of the bureau 1334
of criminal identification and investigation shall conduct a 1335
criminal records check with respect to any person who has applied 1336
for a license, permit, or certification from the department of 1337
commerce or a division in the department. The superintendent shall 1338
conduct the criminal records check in the manner described in 1339
division (B) of this section to determine whether any information 1340
exists that indicates that the person who is the subject of the 1341
request previously has been convicted of or pleaded guilty to any 1342
of the following: a violation of section 2913.02, 2913.11, 1343
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1344
criminal offense involving theft, receiving stolen property, 1345
embezzlement, forgery, fraud, passing bad checks, money 1346
laundering, or drug trafficking, or any criminal offense involving 1347
money or securities, as set forth in Chapters 2909., 2911., 2913., 1348
2915., 2921., 2923., and 2925. of the Revised Code; or any 1349
existing or former law of this state, any other state, or the 1350
United States that is substantially equivalent to those offenses. 1351

(9) On receipt of a request for a criminal records check from 1352
the treasurer of state under section 113.041 of the Revised Code 1353
or from an individual under section 4701.08, 4715.101, 4717.061, 1354

4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1355
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1356
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1357
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1358
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 1359
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 1360
accompanied by a completed form prescribed under division (C)(1) 1361
of this section and a set of fingerprint impressions obtained in 1362
the manner described in division (C)(2) of this section, the 1363
superintendent of the bureau of criminal identification and 1364
investigation shall conduct a criminal records check in the manner 1365
described in division (B) of this section to determine whether any 1366
information exists that indicates that the person who is the 1367
subject of the request has been convicted of or pleaded guilty to 1368
any criminal offense in this state or any other state. Subject to 1369
division (F) of this section, the superintendent shall send the 1370
results of a check requested under section 113.041 of the Revised 1371
Code to the treasurer of state and shall send the results of a 1372
check requested under any of the other listed sections to the 1373
licensing board specified by the individual in the request. 1374

(10) On receipt of a request pursuant to section 124.74, 1375
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1376
Code, a completed form prescribed pursuant to division (C)(1) of 1377
this section, and a set of fingerprint impressions obtained in the 1378
manner described in division (C)(2) of this section, the 1379
superintendent of the bureau of criminal identification and 1380
investigation shall conduct a criminal records check in the manner 1381
described in division (B) of this section to determine whether any 1382
information exists that indicates that the person who is the 1383
subject of the request previously has been convicted of or pleaded 1384
guilty to any criminal offense under any existing or former law of 1385
this state, any other state, or the United States. 1386

(11) On receipt of a request for a criminal records check 1387
from an appointing or licensing authority under section 3772.07 of 1388
the Revised Code, a completed form prescribed under division 1389
(C)(1) of this section, and a set of fingerprint impressions 1390
obtained in the manner prescribed in division (C)(2) of this 1391
section, the superintendent of the bureau of criminal 1392
identification and investigation shall conduct a criminal records 1393
check in the manner described in division (B) of this section to 1394
determine whether any information exists that indicates that the 1395
person who is the subject of the request previously has been 1396
convicted of or pleaded guilty or no contest to any offense under 1397
any existing or former law of this state, any other state, or the 1398
United States that is a disqualifying offense as defined in 1399
section 3772.07 of the Revised Code or substantially equivalent to 1400
such an offense. 1401

(12) On receipt of a request pursuant to section 2151.33 or 1402
2151.412 of the Revised Code, a completed form prescribed pursuant 1403
to division (C)(1) of this section, and a set of fingerprint 1404
impressions obtained in the manner described in division (C)(2) of 1405
this section, the superintendent of the bureau of criminal 1406
identification and investigation shall conduct a criminal records 1407
check with respect to any person for whom a criminal records check 1408
is required under that section. The superintendent shall conduct 1409
the criminal records check in the manner described in division (B) 1410
of this section to determine whether any information exists that 1411
indicates that the person who is the subject of the request 1412
previously has been convicted of or pleaded guilty to any of the 1413
following: 1414

(a) A violation of section 2903.01, 2903.02, 2903.03, 1415
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1416
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1417
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1418

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1419
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1420
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1421
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1422
2925.22, 2925.23, or 3716.11 of the Revised Code; 1423

(b) An existing or former law of this state, any other state, 1424
or the United States that is substantially equivalent to any of 1425
the offenses listed in division (A)(12)(a) of this section. 1426

(13) On receipt of a request pursuant to section 3796.12 of 1427
the Revised Code, a completed form prescribed pursuant to division 1428
(C)(1) of this section, and a set of fingerprint impressions 1429
obtained in a manner described in division (C)(2) of this section, 1430
the superintendent of the bureau of criminal identification and 1431
investigation shall conduct a criminal records check in the manner 1432
described in division (B) of this section to determine whether any 1433
information exists that indicates that the person who is the 1434
subject of the request previously has been convicted of or pleaded 1435
guilty to the following: 1436

(a) A disqualifying offense as specified in rules adopted 1437
under division (B)(2)(b) of section 3796.03 of the Revised Code if 1438
the person who is the subject of the request is an administrator 1439
or other person responsible for the daily operation of, or an 1440
owner or prospective owner, officer or prospective officer, or 1441
board member or prospective board member of, an entity seeking a 1442
license from the department of commerce under Chapter 3796. of the 1443
Revised Code; 1444

(b) A disqualifying offense as specified in rules adopted 1445
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1446
the person who is the subject of the request is an administrator 1447
or other person responsible for the daily operation of, or an 1448
owner or prospective owner, officer or prospective officer, or 1449
board member or prospective board member of, an entity seeking a 1450

license from the state board of pharmacy under Chapter 3796. of 1451
the Revised Code. 1452

(14) On receipt of a request required by section 3796.13 of 1453
the Revised Code, a completed form prescribed pursuant to division 1454
(C)(1) of this section, and a set of fingerprint impressions 1455
obtained in a manner described in division (C)(2) of this section, 1456
the superintendent of the bureau of criminal identification and 1457
investigation shall conduct a criminal records check in the manner 1458
described in division (B) of this section to determine whether any 1459
information exists that indicates that the person who is the 1460
subject of the request previously has been convicted of or pleaded 1461
guilty to the following: 1462

(a) A disqualifying offense as specified in rules adopted 1463
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1464
the person who is the subject of the request is seeking employment 1465
with an entity licensed by the department of commerce under 1466
Chapter 3796. of the Revised Code; 1467

(b) A disqualifying offense as specified in rules adopted 1468
under division (B)(14)(a) of section 3796.04 of the Revised Code 1469
if the person who is the subject of the request is seeking 1470
employment with an entity licensed by the state board of pharmacy 1471
under Chapter 3796. of the Revised Code. 1472

(15) On receipt of a request pursuant to section 4768.06 of 1473
the Revised Code, a completed form prescribed under division 1474
(C)(1) of this section, and a set of fingerprint impressions 1475
obtained in the manner described in division (C)(2) of this 1476
section, the superintendent of the bureau of criminal 1477
identification and investigation shall conduct a criminal records 1478
check in the manner described in division (B) of this section to 1479
determine whether any information exists indicating that the 1480
person who is the subject of the request has been convicted of or 1481
pleaded guilty to a felony in this state or in any other state. 1482

(16) On receipt of a request pursuant to division (B) of 1483
section 4764.07 or division (A) of section 4735.143 of the Revised 1484
Code, a completed form prescribed under division (C)(1) of this 1485
section, and a set of fingerprint impressions obtained in the 1486
manner described in division (C)(2) of this section, the 1487
superintendent of the bureau of criminal identification and 1488
investigation shall conduct a criminal records check in the manner 1489
described in division (B) of this section to determine whether any 1490
information exists indicating that the person who is the subject 1491
of the request has been convicted of or pleaded guilty to any 1492
crime of moral turpitude, a felony, or an equivalent offense in 1493
any other state or the United States. 1494

(17) On receipt of a request for a criminal records check 1495
under section 147.022 of the Revised Code, a completed form 1496
prescribed under division (C)(1) of this section, and a set of 1497
fingerprint impressions obtained in the manner prescribed in 1498
division (C)(2) of this section, the superintendent of the bureau 1499
of criminal identification and investigation shall conduct a 1500
criminal records check in the manner described in division (B) of 1501
this section to determine whether any information exists that 1502
indicates that the person who is the subject of the request 1503
previously has been convicted of or pleaded guilty or no contest 1504
to any disqualifying offense, as defined in section 147.011 of the 1505
Revised Code, or to any offense under any existing or former law 1506
of this state, any other state, or the United States that is 1507
substantially equivalent to such a disqualifying offense. 1508

(B) Subject to division (F) of this section, the 1509
superintendent shall conduct any criminal records check to be 1510
conducted under this section as follows: 1511

(1) The superintendent shall review or cause to be reviewed 1512
any relevant information gathered and compiled by the bureau under 1513
division (A) of section 109.57 of the Revised Code that relates to 1514

the person who is the subject of the criminal records check, 1515
including, if the criminal records check was requested under 1516
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 1517
1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 1518
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 1519
3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 1520
4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 1521
5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any 1522
relevant information contained in records that have been sealed 1523
under section 2953.32 of the Revised Code; 1524

(2) If the request received by the superintendent asks for 1525
information from the federal bureau of investigation, the 1526
superintendent shall request from the federal bureau of 1527
investigation any information it has with respect to the person 1528
who is the subject of the criminal records check, including 1529
fingerprint-based checks of national crime information databases 1530
as described in 42 U.S.C. 671 if the request is made pursuant to 1531
section 2151.86 or 5104.013 of the Revised Code or if any other 1532
Revised Code section requires fingerprint-based checks of that 1533
nature, and shall review or cause to be reviewed any information 1534
the superintendent receives from that bureau. If a request under 1535
section 3319.39 of the Revised Code asks only for information from 1536
the federal bureau of investigation, the superintendent shall not 1537
conduct the review prescribed by division (B)(1) of this section. 1538

(3) The superintendent or the superintendent's designee may 1539
request criminal history records from other states or the federal 1540
government pursuant to the national crime prevention and privacy 1541
compact set forth in section 109.571 of the Revised Code. 1542

(4) The superintendent shall include in the results of the 1543
criminal records check a list or description of the offenses 1544
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1545
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1546

of this section, whichever division requires the superintendent to 1547
conduct the criminal records check. The superintendent shall 1548
exclude from the results any information the dissemination of 1549
which is prohibited by federal law. 1550

(5) The superintendent shall send the results of the criminal 1551
records check to the person to whom it is to be sent not later 1552
than the following number of days after the date the 1553
superintendent receives the request for the criminal records 1554
check, the completed form prescribed under division (C)(1) of this 1555
section, and the set of fingerprint impressions obtained in the 1556
manner described in division (C)(2) of this section: 1557

(a) If the superintendent is required by division (A) of this 1558
section (other than division (A)(3) of this section) to conduct 1559
the criminal records check, thirty; 1560

(b) If the superintendent is required by division (A)(3) of 1561
this section to conduct the criminal records check, sixty. 1562

(C)(1) The superintendent shall prescribe a form to obtain 1563
the information necessary to conduct a criminal records check from 1564
any person for whom a criminal records check is to be conducted 1565
under this section. The form that the superintendent prescribes 1566
pursuant to this division may be in a tangible format, in an 1567
electronic format, or in both tangible and electronic formats. 1568

(2) The superintendent shall prescribe standard impression 1569
sheets to obtain the fingerprint impressions of any person for 1570
whom a criminal records check is to be conducted under this 1571
section. Any person for whom a records check is to be conducted 1572
under this section shall obtain the fingerprint impressions at a 1573
county sheriff's office, municipal police department, or any other 1574
entity with the ability to make fingerprint impressions on the 1575
standard impression sheets prescribed by the superintendent. The 1576
office, department, or entity may charge the person a reasonable 1577

fee for making the impressions. The standard impression sheets the 1578
superintendent prescribes pursuant to this division may be in a 1579
tangible format, in an electronic format, or in both tangible and 1580
electronic formats. 1581

(3) Subject to division (D) of this section, the 1582
superintendent shall prescribe and charge a reasonable fee for 1583
providing a criminal records check under this section. The person 1584
requesting the criminal records check shall pay the fee prescribed 1585
pursuant to this division. In the case of a request under section 1586
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1587
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1588
the manner specified in that section. 1589

(4) The superintendent of the bureau of criminal 1590
identification and investigation may prescribe methods of 1591
forwarding fingerprint impressions and information necessary to 1592
conduct a criminal records check, which methods shall include, but 1593
not be limited to, an electronic method. 1594

(D) The results of a criminal records check conducted under 1595
this section, other than a criminal records check specified in 1596
division (A)(7) of this section, are valid for the person who is 1597
the subject of the criminal records check for a period of one year 1598
from the date upon which the superintendent completes the criminal 1599
records check. If during that period the superintendent receives 1600
another request for a criminal records check to be conducted under 1601
this section for that person, the superintendent shall provide the 1602
results from the previous criminal records check of the person at 1603
a lower fee than the fee prescribed for the initial criminal 1604
records check. 1605

(E) When the superintendent receives a request for 1606
information from a registered private provider, the superintendent 1607
shall proceed as if the request was received from a school 1608
district board of education under section 3319.39 of the Revised 1609

Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

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

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

(G) As used in this section:

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

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

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

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

Sec. 111.09. The secretary of state shall appoint a chief
information security officer to advise the secretary of state on
matters of information security and to perform other duties as
assigned by the secretary of state.

Sec. 111.15. (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard
having a general and uniform operation adopted by an agency under
the authority of the laws governing the agency; any appendix to a
rule; and any internal management rule. "Rule" does not include
any guideline adopted pursuant to section 3301.0714 of the Revised
Code, any order respecting the duties of employees, any finding,
any determination of a question of law or fact in a matter
presented to an agency, or any rule promulgated pursuant to
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the
Revised Code. "Rule" includes any amendment or rescission of a
rule.

(2) "Agency" means any governmental entity of the state and
includes, but is not limited to, any board, department, division,
commission, bureau, society, council, institution, state college
or university, community college district, technical college
district, or state community college. "Agency" does not include
the general assembly, the controlling board, the adjutant
general's department, or any court.

(3) "Internal management rule" means any rule, regulation,

bylaw, or standard governing the day-to-day staff procedures and 1671
operations within an agency. 1672

(B)(1) Any rule, other than a rule of an emergency nature, 1673
adopted by any agency pursuant to this section shall be effective 1674
on the tenth day after the day on which the rule in final form and 1675
in compliance with division (B)(3) of this section is filed as 1676
follows: 1677

(a) The rule shall be filed in electronic form with both the 1678
secretary of state and the director of the legislative service 1679
commission; 1680

(b) The rule shall be filed in electronic form with the joint 1681
committee on agency rule review. Division (B)(1)(b) of this 1682
section does not apply to any rule to which division (D) of this 1683
section does not apply. 1684

An agency that adopts or amends a rule that is subject to 1685
division (D) of this section shall assign a review date to the 1686
rule that is not later than five years after its effective date. 1687
If a review date assigned to a rule exceeds the five-year maximum, 1688
the review date for the rule is five years after its effective 1689
date. A rule with a review date is subject to review under section 1690
106.03 of the Revised Code. This paragraph does not apply to a 1691
rule of a state college or university, community college district, 1692
technical college district, or state community college. 1693

If an agency in adopting a rule designates an effective date 1694
that is later than the effective date provided for by division 1695
(B)(1) of this section, the rule if filed as required by such 1696
division shall become effective on the later date designated by 1697
the agency. 1698

Any rule that is required to be filed under division (B)(1) 1699
of this section is also subject to division (D) of this section if 1700
not exempted by that division. 1701

If a rule incorporates a text or other material by reference, 1702
the agency shall comply with sections 121.71 to 121.75 of the 1703
Revised Code. 1704

(2) A rule of an emergency nature necessary for the immediate 1705
preservation of the public peace, health, or safety shall state 1706
the reasons for the necessity. The emergency rule, in final form 1707
and in compliance with division (B)(3) of this section, shall be 1708
filed in electronic form with the secretary of state, the director 1709
of the legislative service commission, and the joint committee on 1710
agency rule review. The emergency rule is effective immediately 1711
upon completion of the latest filing, except that if the agency in 1712
adopting the emergency rule designates an effective date, or date 1713
and time of day, that is later than the effective date and time 1714
provided for by division (B)(2) of this section, the emergency 1715
rule if filed as required by such division shall become effective 1716
at the later date, or later date and time of day, designated by 1717
the agency. 1718

An emergency rule becomes invalid at the end of the one 1719
hundred twentieth day it is in effect. Prior to that date, the 1720
agency may file the emergency rule as a nonemergency rule in 1721
compliance with division (B)(1) of this section. The agency may 1722
not refile the emergency rule in compliance with division (B)(2) 1723
of this section so that, upon the emergency rule becoming invalid 1724
under such division, the emergency rule will continue in effect 1725
without interruption for another one hundred twenty-day period. 1726

(3) An agency shall file a rule under division (B)(1) or (2) 1727
of this section in compliance with the following standards and 1728
procedures: 1729

(a) The rule shall be numbered in accordance with the 1730
numbering system devised by the director for the Ohio 1731
administrative code. 1732

(b) The rule shall be prepared and submitted in compliance 1733
with the rules of the legislative service commission. 1734

(c) The rule shall clearly state the date on which it is to 1735
be effective and the date on which it will expire, if known. 1736

(d) Each rule that amends or rescinds another rule shall 1737
clearly refer to the rule that is amended or rescinded. Each 1738
amendment shall fully restate the rule as amended. 1739

If the director of the legislative service commission or the 1740
director's designee gives an agency notice pursuant to section 1741
103.05 of the Revised Code that a rule filed by the agency is not 1742
in compliance with the rules of the legislative service 1743
commission, the agency shall within thirty days after receipt of 1744
the notice conform the rule to the rules of the commission as 1745
directed in the notice. 1746

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1747
of this section shall be recorded by the secretary of state and 1748
the director under the title of the agency adopting the rule and 1749
shall be numbered according to the numbering system devised by the 1750
director. The secretary of state and the director shall preserve 1751
the rules in an accessible manner. Each such rule shall be a 1752
public record open to public inspection and may be transmitted to 1753
any law publishing company that wishes to reproduce it. 1754

(D) At least sixty-five days before a board, commission, 1755
department, division, or bureau of the government of the state 1756
files a rule under division (B)(1) of this section, it shall file 1757
the full text of the proposed rule in electronic form with the 1758
joint committee on agency rule review, and the proposed rule is 1759
subject to legislative review and invalidation under section 1760
106.021 of the Revised Code. If a state board, commission, 1761
department, division, or bureau makes a revision in a proposed 1762
rule after it is filed with the joint committee, the state board, 1763

commission, department, division, or bureau shall promptly file 1764
the full text of the proposed rule in its revised form in 1765
electronic form with the joint committee. A state board, 1766
commission, department, division, or bureau shall also file the 1767
rule summary and fiscal analysis prepared under section 106.024 of 1768
the Revised Code in electronic form along with a proposed rule, 1769
and along with a proposed rule in revised form, that is filed 1770
under this division. If a proposed rule has an adverse impact on 1771
businesses, the state board, commission, department, division, or 1772
bureau also shall file the business impact analysis, any 1773
recommendations received from the common sense initiative office, 1774
and the associated memorandum of response, if any, in electronic 1775
form along with the proposed rule, or the proposed rule in revised 1776
form, that is filed under this division. 1777

A proposed rule that is subject to legislative review under 1778
this division may not be adopted and filed in final form under 1779
division (B)(1) of this section unless the proposed rule has been 1780
filed with the joint committee on agency rule review under this 1781
division and the time for the joint committee to review the 1782
proposed rule has expired without recommendation of a concurrent 1783
resolution to invalidate the proposed rule. 1784

As used in this division, "commission" includes the public 1785
utilities commission when adopting rules under a federal or state 1786
statute. 1787

This division does not apply to any of the following: 1788

(1) A proposed rule of an emergency nature; 1789

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1790
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 1791
4123.411, 4123.44, or 4123.442 of the Revised Code; 1792

(3) A rule proposed by an agency other than a board, 1793
commission, department, division, or bureau of the government of 1794

the state;	1795
(4) A proposed internal management rule of a board,	1796
commission, department, division, or bureau of the government of	1797
the state;	1798
(5) Any proposed rule that must be adopted verbatim by an	1799
agency pursuant to federal law or rule, to become effective within	1800
sixty days of adoption, in order to continue the operation of a	1801
federally reimbursed program in this state, so long as the	1802
proposed rule contains both of the following:	1803
(a) A statement that it is proposed for the purpose of	1804
complying with a federal law or rule;	1805
(b) A citation to the federal law or rule that requires	1806
verbatim compliance.	1807
(6) An initial rule proposed by the director of health to	1808
impose safety standards and quality-of-care standards with respect	1809
to a health service specified in section 3702.11 of the Revised	1810
Code, or an initial rule proposed by the director to impose	1811
quality standards on a <u>health care</u> facility listed <u>as defined</u> in	1812
division (A)(4) of section 3702.30 of the Revised Code, if section	1813
3702.12 of the Revised Code requires that the rule be adopted	1814
under this section;	1815
(7) A rule of the state lottery commission pertaining to	1816
instant game rules.	1817
If a rule is exempt from legislative review under division	1818
(D)(5) of this section, and if the federal law or rule pursuant to	1819
which the rule was adopted expires, is repealed or rescinded, or	1820
otherwise terminates, the rule is thereafter subject to	1821
legislative review under division (D) of this section.	1822
Whenever a state board, commission, department, division, or	1823
bureau files a proposed rule or a proposed rule in revised form	1824

under division (D) of this section, it shall also file the full 1825
text of the same proposed rule or proposed rule in revised form in 1826
electronic form with the secretary of state and the director of 1827
the legislative service commission. A state board, commission, 1828
department, division, or bureau shall file the rule summary and 1829
fiscal analysis prepared under section 106.024 of the Revised Code 1830
in electronic form along with a proposed rule or proposed rule in 1831
revised form that is filed with the secretary of state or the 1832
director of the legislative service commission. 1833

Sec. 111.28. (A) There is hereby created in the state 1834
treasury the help America vote act (HAVA) fund. All moneys 1835
received by the secretary of state from the United States election 1836
assistance commission shall be credited to the fund. The secretary 1837
of state shall use the moneys credited to the fund for activities 1838
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1839
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1840
shall be credited to the fund. 1841

~~(B) There is hereby created in the state treasury the 1842
election reform/health and human services fund. All moneys 1843
received by the secretary of state from the United States 1844
department of health and human services shall be credited to the 1845
fund. The secretary of state shall use the moneys credited to the 1846
fund for activities conducted pursuant to grants awarded to the 1847
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1848
America Vote Act of 2002 to assure access for individuals with 1849
disabilities. All investment earnings of the fund shall be 1850
credited to the fund. 1851~~

~~(C)~~ There is hereby created in the state treasury the 1852
miscellaneous federal grants fund. All moneys the secretary of 1853
state receives as grants from federal sources that are not 1854
otherwise designated shall be credited to the fund. The secretary 1855

of state shall use the moneys credited to the fund for the 1856
purposes and activities required by the applicable federal grant 1857
agreements. All investment earnings of the fund shall be credited 1858
to the fund. 1859

Sec. 113.55. (A) The Ohio ABLE savings program trust fund is 1860
hereby created, which shall be in the custody of the treasurer of 1861
state but shall not be part of the state treasury. The fund shall 1862
be used if the treasurer of state elects to accept deposits from 1863
contributors rather than have deposits sent directly to a program 1864
manager. The fund shall consist of any moneys deposited by 1865
contributors in accordance with sections 113.50 to 113.56 of the 1866
Revised Code that are not deposited directly with the program 1867
manager. Money shall be disbursed from the fund upon an order of 1868
the treasurer. All interest from the money in the fund shall be 1869
credited to the Ohio ABLE savings expense fund. 1870

(B)(1) The Ohio ABLE savings expense fund is hereby created 1871
in the state treasury. The fund shall consist of money received 1872
from program managers, governmental or private grants, or 1873
appropriations for the program. 1874

(2) All expenses incurred by the treasurer of state in 1875
developing and administering the ABLE account program and all 1876
expenses and reimbursements allowed for the ~~ABLE~~ STABLE account 1877
program advisory board created under section 113.56 of the Revised 1878
Code shall be payable from the Ohio ABLE savings expense fund. 1879

Sec. 113.56. (A) There is hereby created the ~~ABLE~~ STABLE 1880
account program advisory board, consisting of nine members, 1881
composed of the following: 1882

(1) The director of developmental disabilities or the 1883
director's designee; 1884

(2) One member of the house of representatives appointed by 1885

the speaker of the house of representatives;	1886
(3) One member of the senate appointed by the president of the senate;	1887 1888
(4) One member appointed by the governor who is a representative of an intellectual or developmental disability advocacy organization;	1889 1890 1891
(5) One member appointed by the governor who is a representative of a service provider for individuals with disabilities;	1892 1893 1894
(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;	1895 1896 1897
(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;	1898 1899 1900
(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.	1901 1902 1903 1904
(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Appointed members of the board serve at the pleasure of the member's appointing authority and may	1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915 1916

be removed only by that authority. 1917

~~(C) The member described in division (A)(1) of this section shall call the first meeting of the ABLÉ account program advisory board, which shall occur not later than sixty days after the effective date of the enactment of this section. At the board's first meeting, members of the board shall elect a chairperson. If a vacancy occurs in the office of chairperson, members shall elect a new chairperson. The board shall meet at least four times each year or more frequently at the call of the chairperson. The board is a public body for purposes of section 121.22 of the Revised Code.~~ 1918
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(D) A vacancy on the board does not impair the right of the other members to exercise all the functions of the board. The presence of a majority of the members of the board constitutes a quorum for the conduct of business of the board. The concurrence of at least a majority of the members of the board is necessary for any action to be taken by the board. On request to the treasurer of state, each member of the board shall be reimbursed for the actual and necessary travel expenses incurred in the performance of the member's official duties. 1928
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(E)(1) The board shall do all of the following: 1937

(a) Review the work of the treasurer of state related to the program; 1938
1939

(b) Advise the treasurer on the program as requested by the treasurer; 1940
1941

(c) Make recommendations to the treasurer for the improvement of the program; 1942
1943

(d) On or before the thirty-first day of December of each year, in consultation with the treasurer of state, prepare a report of the board's activities and recommendations and deliver that report to the governor, speaker of the house of 1944
1945
1946
1947

representatives, and president of the senate. 1948

(2) The board may prepare reports of the board's activities 1949
and recommendations in addition to the report described in 1950
division (E)(1)(d) of this section. The board shall deliver such a 1951
report to the governor, speaker of the house of representatives, 1952
and president of the senate. 1953

(F) The treasurer of state shall provide the board with the 1954
resources necessary to conduct its business. The board may accept 1955
uncompensated assistance from individuals, research organizations, 1956
and other state agencies. 1957

Sec. ~~125.66~~ 113.60. (A) As used in this section and ~~section~~ 1958
~~125.661~~ sections 113.61 and 113.62 of the Revised Code: 1959

(1) "~~Social service~~ Service intermediary" means a ~~nonprofit~~ 1960
~~organization exempt from federal income taxation under section~~ 1961
~~501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a~~ 1962
~~wholly owned subsidiary of a nonprofit organization, that delivers~~ 1963
~~or contracts for the delivery of social services, raises capital~~ 1964
~~to finance the delivery of social services, and provides ongoing~~ 1965
~~project management and investor relations for these activities~~ 1966
person or entity that enters into a pay for success contract with 1967
the treasurer of state under this section and sections 113.61 and 1968
113.62 of the Revised Code. The service intermediary may act as 1969
the service provider that delivers the services specified in the 1970
contract or may contract with a separate service provider to 1971
deliver those services. 1972

(2) "State agency" ~~has~~ and "political subdivision" have the 1973
same ~~meaning~~ meanings as in section 9.23 of the Revised Code. 1974

(B) ~~There is hereby established~~ The treasurer of state shall 1975
administer the pay for success contracting program. Under the 1976
program, the ~~director of administrative services~~ treasurer of 1977

~~state~~ may enter into ~~multi-year contracts~~ a pay for success 1978
~~contract with social a service intermediaries to achieve certain~~ 1979
~~social goals in this state~~ intermediary for the delivery of 1980
specified services that benefit the state, a political 1981
subdivision, or a group of political subdivisions, such as 1982
programs addressing education, public health, criminal justice, or 1983
natural resource management. The treasurer of state may enter into 1984
a pay for success contract under any of the following 1985
circumstances: 1986

(1) Upon receiving an appropriation from the general assembly 1987
for the purpose of entering into a pay for success contract; 1988

(2) Upon receiving federal grant moneys for the purpose of 1989
entering into a pay for success contract; 1990

(3) At the request of a state agency, a political 1991
subdivision, or a group of state agencies or political 1992
subdivisions that the treasurer of state enter into a pay for 1993
success contract on behalf of the requesting state agency, 1994
political subdivision, or group. The requesting state agency, 1995
political subdivision, or group shall deposit the cost of the 1996
contract with the treasurer of state in the appropriate fund 1997
established in section 113.62 of the Revised Code. 1998

~~(C) A contract entered into under the program shall include~~ 1999
~~provisions that do all of the following:~~ 2000

~~(1) Require the department of administrative services, in~~ 2001
~~consultation with an agency of this state that administers~~ 2002
~~programs or services related to the contract's subject matter, to~~ 2003
~~specify performance targets to be met by the social service~~ 2004
~~intermediary;~~ 2005

~~(2) Specify the process or methodology that an independent~~ 2006
~~evaluator contracted by the department of administrative services~~ 2007
~~under section 125.661 of the Revised Code must use to evaluate the~~ 2008

~~social service intermediary's progress toward meeting each performance target;~~ 2009
2010

~~(3) Require the department of administrative services to pay the social service intermediary in installments at times determined by the director of administrative services that are specified in the contract and are consistent with applicable state law;~~ 2011
2012
2013
2014
2015

~~(4) Require the installment payments to the social service intermediary to be based on the social service intermediary's progress toward achieving each performance target, as determined by the independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code;~~ 2016
2017
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2019
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~~(5) Specify the maximum amount a social service intermediary may earn for its progress toward achieving performance targets specified under division (C)(1) of this section;~~ 2021
2022
2023

~~(6) Require the department of administrative services to ensure, in accordance with applicable state and federal laws, that the social service intermediary has access to any data in the possession of a state agency, including historical data, that the social service intermediary requests for the purpose of performing contractual duties. The treasurer of state shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the pay for success contracting program, including rules concerning all of the following:~~ 2024
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~~(1) The procedure for a state agency, political subdivision, or group of state agencies or political subdivisions to request the treasurer of state to enter into a pay for success contract and to deposit the cost of the contract with the treasurer of state;~~ 2033
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~~(2) The types of services that are appropriate for a service provider to provide under a pay for success contract;~~ 2038
2039

(3) The processes by which the treasurer of state may award 2040
and administer a pay for success contract; 2041

(4) A requirement that for not less than seventy-five per 2042
cent of the pay for success contracts entered into under this 2043
section, the performance targets specified in the contract require 2044
that, based on available regional or national data, the 2045
improvement in the status of this state or the relevant area of 2046
this state with respect to the issue the contract is meant to 2047
address be greater than the average improvement in status with 2048
respect to that issue in other geographical areas during the 2049
period of the contract; 2050

(5) A process to ensure that any regional or national data 2051
used to determine whether a service provider has met its 2052
performance targets under a pay for success contract are 2053
scientifically valid. 2054

Sec. ~~125.661~~ 113.61. If (A) A pay for success contract 2055
entered into under section 113.60 of the Revised Code shall 2056
include provisions that do all of the following: 2057

(1) Require the treasurer of state, in consultation with the 2058
requesting state agency, political subdivision, or group of state 2059
agencies or political subdivisions, to specify performance targets 2060
to be met by the service provider. If scientifically valid 2061
regional or national data are available to compare the status of 2062
this state or the relevant area of this state with respect to the 2063
issue the contract is meant to address against the status of other 2064
geographical areas with respect to that issue, the performance 2065
targets shall require the improvement in the status of this state 2066
or the relevant area of this state with respect to that issue to 2067
be greater than the average improvement in status with respect to 2068
that issue in other geographical areas during the period of the 2069
contract. 2070

(2) Specify the process or methodology that an independent evaluator contracted by the treasurer of state under division (B) of this section must use to evaluate the service provider's progress toward meeting each performance target; 2071
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(3) Require the treasurer of state to pay the service intermediary in installments at times determined by the treasurer that are specified in the contract and are consistent with applicable state law; 2075
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(4) Require the installment payments to the service intermediary to be based on the service provider's progress toward achieving each performance target, as determined by the independent evaluator; 2079
2080
2081
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(5) Specify the maximum amount a service intermediary may earn for the service provider's progress toward achieving the performance targets; 2083
2084
2085

(6) Require a state agency, political subdivision, or group that requested the treasurer of state to enter into the contract to ensure, in accordance with applicable laws, that the service intermediary has access to any data in the possession of the state agency, political subdivision, or group, including historical data, that the service intermediary requests for the purpose of fulfilling the contract. 2086
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(B) When the ~~director of administrative services~~ treasurer of state contracts with a ~~social~~ service intermediary under section ~~125.66~~ 113.60 of the Revised Code, the ~~director~~ treasurer also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer to enter into the contract, to evaluate the ~~social~~ service ~~intermediary's~~ provider's progress toward meeting each performance target specified in the contract ~~pursuant to division (C)(1) of~~ 2093
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~~section 125.66 of the Revised Code. The director treasurer shall~~ 2102
~~choose an evaluator that is independent from the ~~social~~ service~~ 2103
~~intermediary and the service provider, ensuring that ~~both parties~~~~ 2104
~~de the evaluator does not have common owners or administrators,~~ 2105
~~managers, or employees with the service intermediary or the~~ 2106
~~service provider.~~ 2107

Sec. 113.62. (A) There is in the state treasury the state pay 2108
for success contract fund. The fund shall consist of any moneys 2109
transferred to the treasurer of state by state agencies for the 2110
purpose of making payments to service intermediaries under pay for 2111
success contracts the treasurer of state enters into on behalf of 2112
the state agencies and any moneys appropriated to the fund. Any 2113
investment earnings on the fund shall be credited to it. The 2114
treasurer shall use the moneys in the fund for the purpose of 2115
making those payments to service intermediaries, provided that the 2116
treasurer may use any investment earnings on the fund to pay the 2117
costs of administering the pay for success contracting program. 2118
When the term of a pay for success contract expires, the treasurer 2119
of state shall transfer any remaining unencumbered funds received 2120
from a state agency or group of state agencies for the purpose of 2121
making payments under the contract to that agency or group. 2122

(B) There is in the state treasury the federal pay for 2123
success contract fund. The fund shall consist of any moneys the 2124
treasurer receives from federal agencies pursuant to grant 2125
agreements that require the treasurer to enter into pay for 2126
success contracts. Any investment earnings on the fund shall be 2127
credited to it. The treasurer shall use the moneys in the fund for 2128
the purpose of making payments to service intermediaries under pay 2129
for success contracts the treasurer enters into pursuant to those 2130
grant agreements, provided that the treasurer may use any 2131
investment earnings on the fund to pay the costs of administering 2132
the pay for success contracting program. When the term of a pay 2133

for success contract expires, the treasurer of state shall 2134
transfer any remaining unencumbered funds received from a federal 2135
agency pursuant to a grant agreement that required the treasurer 2136
of state to enter into the contract in accordance with the grant 2137
agreement. 2138

(C) There is in the state treasury the local government pay 2139
for success contract fund. The fund shall consist of any moneys 2140
paid to the treasurer of state by political subdivisions for the 2141
purpose of making payments to service intermediaries under pay for 2142
success contracts the treasurer enters into on behalf of the 2143
political subdivisions. Any investment earnings on the fund shall 2144
be credited to it. The treasurer shall use the moneys in the fund 2145
for the purpose of making those payments to service 2146
intermediaries, provided that the treasurer may use any investment 2147
earnings on the fund to pay the costs of administering the pay for 2148
success contracting program. When the term of a pay for success 2149
contract expires, the treasurer of state shall transfer any 2150
remaining unencumbered funds received from a political subdivision 2151
or group of political subdivisions for the purpose of making 2152
payments under the contract to that political subdivision or 2153
group. 2154

Sec. 117.11. (A) Except as otherwise provided in this 2155
division and in sections 117.112, 117.113, and 117.114 of the 2156
Revised Code, the auditor of state shall audit each public office 2157
at least once every two fiscal years. The auditor of state shall 2158
audit a public office each fiscal year if that public office is 2159
required to be audited on an annual basis pursuant to "The Single 2160
Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as 2161
amended. In the annual or biennial audit, inquiry shall be made 2162
into the methods, accuracy, and legality of the accounts, 2163
financial reports, records, files, and reports of the office, 2164
whether the laws, rules, ordinances, and orders pertaining to the 2165

office have been observed, and whether the requirements and rules 2166
of the auditor of state have been complied with. Except as 2167
otherwise provided in this division or where auditing standards or 2168
procedures dictate otherwise, each audit shall cover at least one 2169
fiscal year. If a public office is audited only once every two 2170
fiscal years, the audit shall cover both fiscal years. 2171

(B) In addition to the annual or biennial audit provided for 2172
in division (A) of this section or in section 117.114 of the 2173
Revised Code, the auditor of state may conduct an audit of a 2174
public office at any time when so requested by the public office 2175
or upon the auditor of state's own initiative if the auditor of 2176
state has reasonable cause to believe that an additional audit is 2177
in the public interest. 2178

(C)(1) The auditor of state shall identify any public office 2179
in which the auditor of state will be unable to conduct an audit 2180
at least once every two fiscal years as required by division (A) 2181
of this section and shall provide immediate written notice to the 2182
clerk of the legislative authority or governing board of the 2183
public office so identified. Within six months of the receipt of 2184
such notice, the legislative authority or governing board may 2185
engage an independent certified public accountant to conduct an 2186
audit pursuant to section 117.12 of the Revised Code. 2187

(2) When the chief fiscal officer of a public office notifies 2188
the auditor of state that an audit is required at a time prior to 2189
the next regularly scheduled audit by the auditor of state, the 2190
auditor of state shall either cause an earlier audit to be made by 2191
the auditor of state or authorize the legislative authority or 2192
governing board of the public office to engage an independent 2193
certified public accountant to conduct the required audit. The 2194
scope of the audit shall be as authorized by the auditor of state. 2195

(3) The auditor of state shall approve the scope of an audit 2196
under division (C)(1) or (2) of this section as set forth in the 2197

contract for the proposed audit before the contract is executed on 2198
behalf of the public office that is to be audited. The independent 2199
accountant conducting an audit under division (C)(1) or (2) of 2200
this section shall be paid by the public office. 2201

(4) The contract for attest services with an independent 2202
accountant employed pursuant to this section or section ~~115.56~~ 2203
117.115 of the Revised Code may include binding arbitration 2204
provisions, provisions of Chapter 2711. of the Revised Code, or 2205
any other alternative dispute resolution procedures to be followed 2206
in the event a dispute remains between the state or public office 2207
and the independent accountant concerning the terms of or services 2208
under the contract, or a breach of the contract, after the 2209
administrative provisions of the contract have been exhausted. 2210

(D) If a uniform accounting network is established under 2211
section 117.101 of the Revised Code, the auditor of state or a 2212
certified public accountant employed pursuant to this section or 2213
section ~~115.56~~ or 117.112 or 117.115 of the Revised Code shall, to 2214
the extent practicable, utilize services offered by the network in 2215
order to conduct efficient and economical audits of public 2216
offices. 2217

(E) The auditor of state, in accordance with division (A)(3) 2218
of section 9.65 of the Revised Code and this section, may audit an 2219
annuity program for volunteer fire fighters established by a 2220
political subdivision under section 9.65 of the Revised Code. As 2221
used in this section, "volunteer fire fighters" and "political 2222
subdivision" have the same meanings as in division (C) of section 2223
9.65 of the Revised Code. 2224

Sec. ~~115.56~~117.115. (A) The auditor of state shall adopt 2225
rules in accordance with Chapter 119. of the Revised Code under 2226
which any public office, other than a state agency, may request, 2227
and participate in the selection of, an independent certified 2228

public accountant to perform any required audit of the public 2229
office, in lieu of the auditor of state. 2230

(B) Except as provided in division (A) of this section, when 2231
the auditor of state determines that the auditor's office will not 2232
audit a public office other than a state agency, the auditor shall 2233
contract with a certified public accountant, ~~public accountant~~, or 2234
an official governmental audit organization to perform this audit 2235
on behalf of the auditor of state's office. 2236

(C) The auditor of state shall prescribe rules to ensure 2237
compliance by independent auditors with generally accepted 2238
government auditing standards. The auditor of state shall be 2239
granted access to the working papers of an independent auditor 2240
during the audit and after its termination. A sum totaling twenty 2241
per cent of the total audit cost shall be withheld until 2242
certification of the audit report by the auditor of state. The 2243
independent audit cost shall be borne by the office that is to be 2244
audited. Such contracts for auditing services are void, and no 2245
payment shall be issued for services received under such 2246
contracts, unless they are executed by the auditor of state. 2247

Sec. 117.13. (A) The total costs of audits of state agencies, 2248
both direct and indirect, shall be recovered by the auditor of 2249
state in the following manner: 2250

(1) The total costs of all audits of state agencies, both 2251
direct and indirect, shall be paid to the auditor of state on 2252
statements rendered by the auditor of state. Money so received by 2253
the auditor of state shall be paid into the state treasury to the 2254
credit of the public audit expense fund--intrastate, which is 2255
hereby created, and shall be used to pay costs related to such 2256
audits. The costs of audits of a state agency shall be charged to 2257
the state agency being audited, unless otherwise determined by the 2258
auditor of state. The costs of any assistant auditor, employee, or 2259

expert employed pursuant to section 117.09 of the Revised Code 2260
called upon to testify in any legal proceedings in regard to any 2261
audit, or called upon to review or discuss any matter related to 2262
any audit, may be charged to the state agency to which the audit 2263
relates. 2264

(2) The auditor of state shall ~~establish by rule~~ determine 2265
and publish annually rates to be charged to state agencies for 2266
recovering the costs of audits of state agencies. The rates shall 2267
take into consideration federal cost recovery guidelines. 2268

(B) As used in this division, "government auditing standards" 2269
means the government auditing standards published by the 2270
comptroller general of the United States general accounting 2271
office. 2272

(1) Except as provided in divisions (B)(2) and (3) of this 2273
section, any costs of an audit of a private institution, 2274
association, board, or corporation receiving public money for its 2275
use shall be charged to the public office providing the public 2276
money in the same manner as costs of an audit of the public 2277
office. 2278

(2) If an audit of a private child placing agency or private 2279
noncustodial agency receiving public money from a public children 2280
services agency for providing child welfare or child protection 2281
services sets forth that money has been illegally expended, 2282
converted, misappropriated, or is unaccounted for, the costs of 2283
the audit shall be charged to the agency being audited in the same 2284
manner as costs of an audit of a public office, unless the 2285
findings are inconsequential, as defined by government auditing 2286
standards. 2287

(3) If such an audit does not set forth that money has been 2288
illegally expended, converted, misappropriated, or is unaccounted 2289
for or sets forth findings that are inconsequential, as defined by 2290

government auditing standards, the costs of the audit shall be charged as follows:

- (a) One-third of the costs to the agency being audited;
- (b) One-third of the costs to the public children services agency that provided the public money to the agency being audited;
- (c) One-third of the costs to the department of job and family services.

(C) The total costs of audits of local public offices, both direct and indirect, shall be recovered by the auditor of state in the following manner:

~~(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned. Assistant auditors of state shall be compensated by the taxing district or other public office audited for activities undertaken pursuant to division (B) of section 117.18 and section 117.24 of the Revised Code.~~ costs of all audits of local public offices, both direct and indirect, shall be paid to the auditor of state on statements rendered by the auditor of state. Money so received by the auditor of state shall be paid into the state treasury to the credit of the public audit expense fund-local government, which is hereby created, and shall be used to pay costs related to such audits. The costs of audits of a local public office shall be charged to the local public office being audited, unless otherwise determined by the auditor of state. The charges billed to the local public office for the cost of audits performed shall be offset subject to the availability of resources from the local government audit support fund created under section

117.131 of the Revised Code, the general revenue fund, or other 2322
state sources provided to the auditor of state for such purposes. 2323
The auditor of state shall establish the manner in which the 2324
offset shall be determined. The costs of any assistant auditor, 2325
employee, or expert employed pursuant to section 117.09 of the 2326
Revised Code called upon to testify in any legal proceedings in 2327
regard to any audit, or called upon to review or discuss any 2328
matter related to any audit, may be charged to the public office 2329
to which the audit relates. 2330

~~(2) The auditor of state shall certify the amount of such~~ 2331
~~compensation, expenses, cost of experts, reviewing, copying, and~~ 2332
~~typing to the fiscal officer of the local public office audited.~~ 2333
~~The fiscal officer of the local public office shall forthwith draw~~ 2334
~~a warrant upon the general fund or other appropriate funds of the~~ 2335
~~local public office to the order of the auditor of state;~~ 2336
~~provided, that the auditor of state is authorized to negotiate~~ 2337
~~with any local public office and, upon agreement between the~~ 2338
~~auditor of state and the local public office, may adopt a schedule~~ 2339
~~for payment of the amount due under this section. Money so~~ 2340
~~received by the auditor of state shall be paid into the state~~ 2341
~~treasury to the credit of the public audit expense fund local~~ 2342
~~government, which is hereby created, and shall be used to pay the~~ 2343
~~compensation, expense, cost of experts and employees, reviewing,~~ 2344
~~copying, and typing of reports.~~ 2345

~~(3) At the conclusion of each audit, or analysis and report~~ 2346
~~made pursuant to section 117.24 of the Revised Code, the auditor~~ 2347
~~of state shall furnish the fiscal officer of the local public~~ 2348
~~office audited a statement showing may allocate the total charges~~ 2349
~~billed for the cost of the audit, or of the audit and the analysis~~ 2350
~~and report, and the percentage of the total cost chargeable to~~ 2351
~~each fund audited. The fiscal officer may distribute such total~~ 2352
~~cost to each fund audited in accordance with its percentage of the~~ 2353

~~total cost~~ to appropriate funds using a methodology that follows 2354
guidance provided by the auditor of state. 2355

~~(4)~~(3) The auditor of state shall provide each local public 2356
office a statement or certification of the amount due from the 2357
public office for services performed by the auditor of state under 2358
this or any other section of the Revised Code, as well as the date 2359
upon which payment is due to the auditor of state. The auditor of 2360
state is authorized to negotiate with any local public office and, 2361
upon agreement between the auditor of state and the local public 2362
office, may adopt a schedule for payment of the amount due under 2363
this section. Any local public office that does not pay the amount 2364
due to the auditor of state by that date may be assessed by the 2365
auditor of state for interest from the date upon which the payment 2366
is due at the rate per annum prescribed by section 5703.47 of the 2367
Revised Code. All interest charges assessed by the auditor of 2368
state may be collected in the same manner as audit costs pursuant 2369
to division (D) of this section. 2370

~~(5)~~(4) The auditor of state shall ~~establish by rule~~ determine 2371
and publish annually rates to be charged to local public offices 2372
for recovering the costs of audits of local public offices. 2373

(D) If the auditor of state fails to receive payment for any 2374
amount due, including, but not limited to, fines, fees, and costs, 2375
from a public office for services performed under this or any 2376
other section of the Revised Code, the auditor of state may seek 2377
payment through the office of budget and management. (Amounts due 2378
include any amount due to an independent public accountant with 2379
whom the auditor has contracted to perform services, all costs and 2380
fees associated with participation in the uniform accounting 2381
network, and all costs associated with the auditor's provision of 2382
local government services.) Upon certification by the auditor of 2383
state to the director of budget and management of any such amount 2384
due, the director shall withhold from the public office any amount 2385

available, up to and including the amount certified as due, from 2386
any funds under the director's control that belong to or are 2387
lawfully payable or due to the public office. The director shall 2388
promptly pay the amount withheld to the auditor of state. If the 2389
director determines that no funds due and payable to the public 2390
office are available or that insufficient amounts of such funds 2391
are available to cover the amount due, the director shall withhold 2392
and pay to the auditor of state the amounts available and, in the 2393
case of a local public office, certify the remaining amount to the 2394
county auditor of the county in which the local public office is 2395
located. The county auditor shall withhold from the local public 2396
office any amount available, up to and including the amount 2397
certified as due, from any funds under the county auditor's 2398
control and belonging to or lawfully payable or due to the local 2399
public office. The county auditor shall promptly pay any such 2400
amount withheld to the auditor of state. 2401

Sec. 117.131. There is hereby created in the state treasury 2402
the local government audit support fund. The fund shall consist of 2403
revenue credited pursuant to section 131.511 of the Revised Code 2404
and any other revenue as provided by law. The appropriation for 2405
the fund shall remain at the amount designated by the general 2406
assembly. The controlling board shall not authorize additional 2407
spending from the fund in excess of any appropriation made by the 2408
general assembly. 2409

The auditor of state shall use the fund to support the cost 2410
of financial audits, performance audits, and other audits of local 2411
public offices performed pursuant to Chapter 117. of the Revised 2412
Code or as otherwise provided by law. 2413

The fund shall be used in a manner to be determined by the 2414
auditor of state to offset the audit costs that would otherwise be 2415
charged to local public offices in the absence of the fund. 2416

Sec. 117.14. An annual audit of the office of the auditor of 2417
state shall be made by an independent certified public accountant 2418
appointed by the governor and the chairpersons of the finance 2419
committees of the senate and the house of representatives, upon 2420
recommendation from a committee consisting of ~~the~~: 2421

(A) The governor and the chairpersons or the governor's 2422
designee; 2423

(B) The chairperson of the finance committees committee of 2424
the senate ~~and~~ or the chairperson's designee; 2425

(C) The chairperson of the finance committee of the house of 2426
representatives or the chairperson's designee. ~~The committee shall~~ 2427
~~make the appointment by~~ 2428

Not later than the thirty-first day of March immediately 2429
preceding the last day of the fiscal year to be audited, the 2430
governor and chairpersons shall make the appointment and shall 2431
prescribe the contract terms of the audit. 2432

On or before the fifteenth day of October, the accountant 2433
shall submit a report of the audit completed under this section 2434
for the immediately preceding fiscal year to each member of the 2435
committee. One copy of the audit report shall be filed with the 2436
state library for public inspection. The audit report is not a 2437
public record under section 149.43 of the Revised Code until it is 2438
filed with the state library. 2439

The records of the auditor of state shall be made available 2440
to the accountant. 2441

The office of budget and management shall provide staff 2442
services to the committee. 2443

Sec. 117.46. Each biennium the auditor of state shall conduct 2444
a minimum of four performance audits under this section. Except as 2445

otherwise provided in this section, at least two of the audits 2446
shall be of state agencies selected from a list comprised of the 2447
administrative departments listed in section 121.02 of the Revised 2448
Code and the department of education and at least two of the 2449
audits shall be of other state agencies. At the auditor of state's 2450
discretion, the auditor of state may also conduct a performance 2451
~~audit~~ audits of a state ~~institution~~ institutions of higher 2452
education ~~as one of the four required performance audits~~. The 2453
offices of the attorney general, auditor of state, governor, 2454
secretary of state, and treasurer of state and agencies of the 2455
legislative and judicial branches are not subject to an audit 2456
under this section. 2457

The auditor shall select each agency or institution to be 2458
audited and shall determine whether to audit the entire agency or 2459
institution or a portion of the agency or institution by auditing 2460
one or more programs, offices, boards, councils, or other entities 2461
within that agency or institution. The auditor shall make the 2462
selection and determination in consultation with the governor and 2463
the speaker and minority leader of the house of representatives 2464
and president and minority leader of the senate. 2465

An audit of a portion of an agency or institution shall be 2466
considered an audit of one agency or institution. The authority to 2467
audit a portion of an agency or institution in no way limits the 2468
auditor's ability to audit an entire agency or institution if it 2469
is in the best interest of the state. 2470

The performance audits under this section shall be conducted 2471
pursuant to sections 117.01 and 117.13 of the Revised Code. In 2472
conducting a performance audit, the auditor of state shall 2473
determine the scope of the audit, but shall consider, if 2474
appropriate, supervisory and subordinate level operations in the 2475
agency or institution. A performance audit under this section 2476
shall not include review or evaluation of an institution's 2477

academic performance. 2478

As used in this section and in sections 117.461, 117.462, 2479
117.463, 117.47, 117.471, and 147.472 of the Revised Code, "state 2480
institution of higher education" has the meaning defined in 2481
section 3345.011 of the Revised Code. 2482

Sec. 120.04. (A) The state public defender shall serve at the 2483
pleasure of the Ohio public defender commission and shall be an 2484
attorney with a minimum of four years of experience in the 2485
practice of law and be admitted to the practice of law in this 2486
state at least one year prior to appointment. 2487

(B) The state public defender shall do all of the following: 2488

(1) Maintain a central office in Columbus. The central office 2489
shall be provided with a library of adequate size, considering the 2490
needs of the office and the accessibility of other libraries, and 2491
other necessary facilities and equipment. 2492

(2) Appoint assistant state public defenders, all of whom 2493
shall be attorneys admitted to the practice of law in this state, 2494
and other personnel necessary for the operation of the state 2495
public defender office. Assistant state public defenders shall be 2496
appointed on a full-time basis. The state public defender, 2497
assistant state public defenders, and employees appointed by the 2498
state public defender shall not engage in the private practice of 2499
law. 2500

(3) Supervise the compliance of county public defender 2501
offices, joint county public defender offices, and county 2502
appointed counsel systems with standards established by rules of 2503
the Ohio public defender commission pursuant to division (B) of 2504
section 120.03 of the Revised Code; 2505

(4) Keep and maintain financial records of all cases handled 2506
and develop records for use in the calculation of direct and 2507

indirect costs, in the operation of the office, and report 2508
periodically, but not less than annually, to the commission on all 2509
relevant data on the operations of the office, costs, projected 2510
needs, and recommendations for legislation or amendments to court 2511
rules, as may be appropriate to improve the criminal justice 2512
system; 2513

(5) Collect all moneys due the state for reimbursement for 2514
legal services under this chapter and under section 2941.51 of the 2515
Revised Code and institute any actions in court on behalf of the 2516
state for the collection of such sums that the state public 2517
defender considers advisable. Except as provided otherwise in 2518
division (D) of section 120.06 of the Revised Code, all moneys 2519
collected by the state public defender under this chapter and 2520
section 2941.51 of the Revised Code shall be deposited in the 2521
state treasury to the credit of the client payment fund, which is 2522
hereby created. All moneys credited to the fund shall be used by 2523
the state public defender to appoint assistant state public 2524
defenders and to provide other personnel, equipment, and 2525
facilities necessary for the operation of the state public 2526
defender office, to reimburse counties for the operation of county 2527
public defender offices, joint county public defender offices, and 2528
county appointed counsel systems pursuant to sections 120.18, 2529
120.28, and 120.33 of the Revised Code, or to provide assistance 2530
to counties in the operation of county indigent defense systems. 2531

(6) With respect to funds appropriated to the commission to 2532
pay criminal costs, perform the duties imposed by sections 2949.19 2533
and 2949.201 of the Revised Code; 2534

(7) Establish standards and guidelines for the reimbursement, 2535
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2536
of the Revised Code, of counties for the operation of county 2537
public defender offices, joint county public defender offices, and 2538
county appointed counsel systems and for other costs related to 2539

felony prosecutions;	2540
(8) Establish maximum amounts that the state will reimburse	2541
the counties pursuant to sections 120.18, 120.28, 120.33, and	2542
2941.51 of the Revised Code;	2543
(9) Establish maximum amounts that the state will reimburse	2544
the counties pursuant to section 120.33 of the Revised Code for	2545
each specific type of legal service performed by a county	2546
appointed counsel system;	2547
(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and	2548
2949.19 of the Revised Code and make reimbursements pursuant to	2549
those sections;	2550
(11) Administer the program established pursuant to sections	2551
120.51 to 120.55 of the Revised Code for the charitable public	2552
purpose of providing financial assistance to legal aid societies.	2553
Neither the state public defender nor any of the state public	2554
defender's employees who is responsible in any way for the	2555
administration of that program and who performs those	2556
administrative responsibilities in good faith is in any manner	2557
liable if a legal aid society that is provided financial	2558
assistance under the program uses the financial assistance other	2559
than in accordance with sections 120.51 to 120.55 of the Revised	2560
Code or fails to comply with the requirements of those sections.	2561
(12) Establish an office for the handling of appeal and	2562
postconviction matters;	2563
(13) Provide technical aid and assistance to county public	2564
defender offices, joint county public defender offices, and other	2565
local counsel providing legal representation to indigent persons,	2566
including representation and assistance on appeals.	2567
(C) The state public defender may do any of the following:	2568
(1) In providing legal representation, conduct	2569

investigations, obtain expert testimony, take depositions, use 2570
other discovery methods, order transcripts, and make all other 2571
preparations which are appropriate and necessary to an adequate 2572
defense or the prosecution of appeals and other legal proceedings; 2573

(2) Seek, solicit, and apply for grants for the operation of 2574
programs for the defense of indigent persons from any public or 2575
private source, and may receive donations, grants, awards, and 2576
similar funds from any lawful source. Such funds shall be 2577
deposited in the state treasury to the credit of the public 2578
defender gifts and grants fund, which is hereby created. 2579

(3) Make all the necessary arrangements to coordinate the 2580
services of the office with any federal, county, or private 2581
programs established to provide legal representation to indigent 2582
persons and others, and to obtain and provide all funds allowable 2583
under any such programs; 2584

(4) Consult and cooperate with professional groups concerned 2585
with the causes of criminal conduct, the reduction of crime, the 2586
rehabilitation and correction of persons convicted of crime, the 2587
administration of criminal justice, and the administration and 2588
operation of the state public defender's office; 2589

(5) Accept the services of volunteer workers and consultants 2590
at no compensation other than reimbursement for actual and 2591
necessary expenses; 2592

(6) Prescribe any forms that are necessary for the uniform 2593
operation of this chapter; 2594

(7) Contract with a county public defender commission or a 2595
joint county public defender commission to provide all or any part 2596
of the services that a county public defender or joint county 2597
public defender is required or permitted to provide by this 2598
chapter, or contract with a board of county commissioners of a 2599
county that is not served by a county public defender commission 2600

or a joint county public defender commission for the provision of 2601
services in accordance with section 120.33 of the Revised Code. 2602
All money received by the state public defender pursuant to such a 2603
contract shall be credited to either the ~~multi-county~~ multicounty: 2604
county share fund or, if received as a result of a contract with 2605
Trumbull county, the Trumbull county: county share fund. 2606

(8) Authorize persons employed as criminal investigators to 2607
attend the Ohio peace officer training academy or any other peace 2608
officer training school for training; 2609

(9) Procure a policy or policies of malpractice insurance 2610
that provide coverage for the state public defender and assistant 2611
state public defenders in connection with malpractice claims that 2612
may arise from their actions or omissions related to 2613
responsibilities derived pursuant to this chapter; 2614

(10) Enter into agreements to license, lease, sell, and 2615
market for sale intellectual property owned by the office and 2616
receive payments from those agreements for use in the operation of 2617
the office and programs for the defense of indigent persons. All 2618
funds received by the state public defender pursuant to such 2619
agreements shall be deposited in the state treasury to the credit 2620
of the public defender gifts and grants fund. 2621

(D) No person employed by the state public defender as a 2622
criminal investigator shall attend the Ohio peace officer training 2623
academy or any other peace officer training school unless 2624
authorized to do so by the state public defender. 2625

Sec. 120.041. (A) In addition to the state public defender's 2626
other duties under this chapter and other Revised Code provisions, 2627
the state public defender shall do all of the following for each 2628
state fiscal year: 2629

(1) Determine the total dollar amount of all requests for 2630

<u>reimbursements that were submitted for that fiscal year by</u>	2631
<u>counties under sections 120.18, 120.28, 120.33, 120.35, and</u>	2632
<u>2941.51 of the Revised Code;</u>	2633
<u>(2) Determine the total dollar amount paid to all counties as</u>	2634
<u>reimbursements under the requests described in division (A)(1) of</u>	2635
<u>this section that were submitted for that fiscal year;</u>	2636
<u>(3) Determine the percentage of total costs submitted by</u>	2637
<u>counties under the requests described in division (A)(1) of this</u>	2638
<u>section that was paid to all counties as reimbursements for that</u>	2639
<u>fiscal year;</u>	2640
<u>(4) Commencing in state fiscal year 2021, determine the</u>	2641
<u>increase or decrease in the total dollar amount found under</u>	2642
<u>division (A)(2) of this section for that fiscal year from the</u>	2643
<u>total dollar amount found under that division for the previous</u>	2644
<u>fiscal year;</u>	2645
<u>(5) Determine, out of the total dollar amount found under</u>	2646
<u>division (A)(2) of this section that was paid to all counties as a</u>	2647
<u>reimbursement, the total amount of that money used by all of the</u>	2648
<u>counties for each of the following categories of costs in that</u>	2649
<u>fiscal year:</u>	2650
<u>(a) Costs for appointed counsel;</u>	2651
<u>(b) Costs for personnel;</u>	2652
<u>(c) Costs for expert witnesses;</u>	2653
<u>(d) Costs for investigations;</u>	2654
<u>(e) Costs for transcripts;</u>	2655
<u>(f) Costs for rent or lease, utilities, furnishings,</u>	2656
<u>maintenance, and equipment;</u>	2657
<u>(g) Costs for travel;</u>	2658
<u>(h) Any other category of costs set by the state public</u>	2659

defender. 2660

(6) Commencing in state fiscal year 2021, determine the 2661
increase or decrease in the amount of money found under division 2662
(A)(5) of this section to have been used for each category of 2663
costs described in divisions (A)(5)(a) to (h) of this section for 2664
that fiscal year from the amount of money found under that 2665
division to have been used for each such category of costs for the 2666
previous fiscal year; 2667

(7) Analyze the cost per each felony, misdemeanor, traffic, 2668
or juvenile delinquency case assigned to a public defender or 2669
counsel pursuant to section 120.06, 120.16, 120.26, or 120.33 of 2670
the Revised Code. 2671

(B) For each state fiscal year, the state public defender 2672
shall prepare a report that includes all of its findings and 2673
determinations for that fiscal year and, not later than the first 2674
day of October in the state fiscal year following the fiscal year 2675
covered by the report, shall submit copies of the report to the 2676
president of the senate, the speaker of the house of 2677
representatives, the minority leader of the senate, the minority 2678
leader of the house of representatives, and the governor. 2679

Sec. 120.06. (A)(1) The state public defender, when 2680
designated by the court or requested by a county public defender 2681
or joint county public defender, may provide legal representation 2682
in all courts throughout the state to indigent adults and 2683
juveniles who are charged with the commission of an offense or act 2684
for which the penalty or any possible adjudication includes the 2685
potential loss of liberty. 2686

(2) The state public defender may provide legal 2687
representation to any indigent person who, while incarcerated in 2688
any state correctional institution, is charged with a felony 2689
offense, for which the penalty or any possible adjudication that 2690

may be imposed by a court upon conviction includes the potential 2691
loss of liberty. 2692

(3) The state public defender may provide legal 2693
representation to any person incarcerated in any correctional 2694
institution of the state, in any matter in which the person 2695
asserts the person is unlawfully imprisoned or detained. 2696

(4) The state public defender, in any case in which the state 2697
public defender has provided legal representation or is requested 2698
to do so by a county public defender or joint county public 2699
defender, may provide legal representation on appeal. 2700

(5) The state public defender, when designated by the court 2701
or requested by a county public defender, joint county public 2702
defender, or the director of rehabilitation and correction, shall 2703
provide legal representation in parole and probation revocation 2704
matters or matters relating to the revocation of community control 2705
or post-release control under a community control sanction or 2706
post-release control sanction, unless the state public defender 2707
finds that the alleged parole or probation violator or alleged 2708
violator of a community control sanction or post-release control 2709
sanction has the financial capacity to retain the alleged 2710
violator's own counsel. 2711

(6) If the state public defender contracts with a county 2712
public defender commission, a joint county public defender 2713
commission, or a board of county commissioners for the provision 2714
of services, under authority of division (C)(7) of section 120.04 2715
of the Revised Code, the state public defender shall provide legal 2716
representation in accordance with the contract. 2717

(B) The state public defender shall not be required to 2718
prosecute any appeal, postconviction remedy, or other proceeding 2719
pursuant to division (A)(3), (4), or (5) of this section, unless 2720
the state public defender first is satisfied that there is 2721

arguable merit to the proceeding. 2722

(C) A court may appoint counsel or allow an indigent person 2723
to select the indigent's own personal counsel to assist the state 2724
public defender as co-counsel when the interests of justice so 2725
require. When co-counsel is appointed to assist the state public 2726
defender, the co-counsel shall receive any compensation that the 2727
court may approve, not to exceed the amounts provided for in 2728
section 2941.51 of the Revised Code. 2729

(D)(1) When the state public defender is designated by the 2730
court or requested by a county public defender or joint county 2731
public defender to provide legal representation for an indigent 2732
person in any case, other than pursuant to a contract entered into 2733
under authority of division (C)(7) of section 120.04 of the 2734
Revised Code, the state public defender shall send to the county 2735
in which the case is filed a bill detailing the actual cost of the 2736
representation that separately itemizes legal fees and expenses. 2737
The county, upon receipt of an itemized bill from the state public 2738
defender pursuant to this division, shall pay the state public 2739
defender ~~each of the following amounts:~~ 2740

~~(a) For the amount identified as legal fees in the itemized 2741
bill, one hundred per cent of the amount identified as legal fees 2742
less the state reimbursement rate as calculated by the state 2743
public defender pursuant to section 120.34 of the Revised Code for 2744
the month the case terminated, as set forth and expenses in the 2745
itemized bill;~~ 2746

~~(b) For the amount identified as expenses in the itemized 2747
bill, one hundred per cent.~~ 2748

(2) Upon payment of the itemized bill under division (D)(1) 2749
of this section, the county may submit the cost of the legal fees 2750
and expenses, ~~excluding legal fees~~, to the state public defender 2751
for reimbursement pursuant to section 120.33 of the Revised Code. 2752

(3) When the state public defender provides investigation or mitigation services to private appointed counsel or to a county or joint county public defender as approved by the appointing court, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill itemizing the actual cost of the services provided. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay one hundred per cent of the amount as set forth in the itemized bill. Upon payment of the itemized bill received pursuant to this division, the county may submit the cost of the investigation and mitigation services to the state public defender for reimbursement pursuant to section 120.33 of the Revised Code.

(4) There is hereby created in the state treasury the county representation fund for the deposit of moneys received from counties under this division. All moneys credited to the fund shall be used by the state public defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender or to provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court.

(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel

to represent the Ohio public defender commission, the state public 2785
defender, assistant state public defenders, other employees of the 2786
commission or the state public defender, and attorneys described 2787
in division (C) of section 120.41 of the Revised Code in a 2788
malpractice or other civil action or proceeding that arises from 2789
alleged actions or omissions related to responsibilities derived 2790
pursuant to this chapter, or in a civil action that is based upon 2791
alleged violations of the constitution or statutes of the United 2792
States, including section 1983 of Title 42 of the United States 2793
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2794
arises from alleged actions or omissions related to 2795
responsibilities derived pursuant to this chapter, if the state 2796
public defender determines, in good faith, that the defendant in 2797
the civil action or proceeding did not act manifestly outside the 2798
scope of the defendant's employment or official responsibilities, 2799
with malicious purpose, in bad faith, or in a wanton or reckless 2800
manner. If the state public defender elects not to contract 2801
pursuant to this division for private legal counsel in a civil 2802
action or proceeding, then, in accordance with sections 109.02, 2803
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2804
attorney general shall represent or provide for the representation 2805
of the Ohio public defender commission, the state public defender, 2806
assistant state public defenders, other employees of the 2807
commission or the state public defender, or attorneys described in 2808
division (C) of section 120.41 of the Revised Code in the civil 2809
action or proceeding. 2810

(2)(a) Subject to division (E)(2)(b) of this section, payment 2811
from the state treasury for the services of private legal counsel 2812
with whom the state public defender has contracted pursuant to 2813
division (E)(1) of this section shall be accomplished only through 2814
the following procedure: 2815

(i) The private legal counsel shall file with the attorney 2816

general a copy of the contract; a request for an award of legal 2817
fees, court costs, and expenses earned or incurred in connection 2818
with the defense of the Ohio public defender commission, the state 2819
public defender, an assistant state public defender, an employee, 2820
or an attorney in a specified civil action or proceeding; a 2821
written itemization of those fees, costs, and expenses, including 2822
the signature of the state public defender and the state public 2823
defender's attestation that the fees, costs, and expenses were 2824
earned or incurred pursuant to division (E)(1) of this section to 2825
the best of the state public defender's knowledge and information; 2826
a written statement whether the fees, costs, and expenses are for 2827
all legal services to be rendered in connection with that defense, 2828
are only for legal services rendered to the date of the request 2829
and additional legal services likely will have to be provided in 2830
connection with that defense, or are for the final legal services 2831
rendered in connection with that defense; a written statement 2832
indicating whether the private legal counsel previously submitted 2833
a request for an award under division (E)(2) of this section in 2834
connection with that defense and, if so, the date and the amount 2835
of each award granted; and, if the fees, costs, and expenses are 2836
for all legal services to be rendered in connection with that 2837
defense or are for the final legal services rendered in connection 2838
with that defense, a certified copy of any judgment entry in the 2839
civil action or proceeding or a signed copy of any settlement 2840
agreement entered into between the parties to the civil action or 2841
proceeding. 2842

(ii) Upon receipt of a request for an award of legal fees, 2843
court costs, and expenses and the requisite supportive 2844
documentation described in division (E)(2)(a)(i) of this section, 2845
the attorney general shall review the request and documentation; 2846
determine whether any of the limitations specified in division 2847
(E)(2)(b) of this section apply to the request; and, if an award 2848
of legal fees, court costs, or expenses is permissible after 2849

applying the limitations, prepare a document awarding legal fees, 2850
court costs, or expenses to the private legal counsel. The 2851
document shall name the private legal counsel as the recipient of 2852
the award; specify the total amount of the award as determined by 2853
the attorney general; itemize the portions of the award that 2854
represent legal fees, court costs, and expenses; specify any 2855
limitation applied pursuant to division (E)(2)(b) of this section 2856
to reduce the amount of the award sought by the private legal 2857
counsel; state that the award is payable from the state treasury 2858
pursuant to division (E)(2)(a)(iii) of this section; and be 2859
approved by the inclusion of the signatures of the attorney 2860
general, the state public defender, and the private legal counsel. 2861

(iii) The attorney general shall forward a copy of the 2862
document prepared pursuant to division (E)(2)(a)(ii) of this 2863
section to the director of budget and management. The award of 2864
legal fees, court costs, or expenses shall be paid out of the 2865
state public defender's appropriations, to the extent there is a 2866
sufficient available balance in those appropriations. If the state 2867
public defender does not have a sufficient available balance in 2868
the state public defender's appropriations to pay the entire award 2869
of legal fees, court costs, or expenses, the director shall make 2870
application for a transfer of appropriations out of the emergency 2871
purposes account or any other appropriation for emergencies or 2872
contingencies in an amount equal to the portion of the award that 2873
exceeds the sufficient available balance in the state public 2874
defender's appropriations. A transfer of appropriations out of the 2875
emergency purposes account or any other appropriation for 2876
emergencies or contingencies shall be authorized if there are 2877
sufficient moneys greater than the sum total of then pending 2878
emergency purposes account requests, or requests for releases from 2879
the other appropriation. If a transfer of appropriations out of 2880
the emergency purposes account or other appropriation for 2881
emergencies or contingencies is made to pay an amount equal to the 2882

portion of the award that exceeds the sufficient available balance 2883
in the state public defender's appropriations, the director shall 2884
cause the payment to be made to the private legal counsel. If 2885
sufficient moneys do not exist in the emergency purposes account 2886
or other appropriation for emergencies or contingencies to pay an 2887
amount equal to the portion of the award that exceeds the 2888
sufficient available balance in the state public defender's 2889
appropriations, the private legal counsel shall request the 2890
general assembly to make an appropriation sufficient to pay an 2891
amount equal to the portion of the award that exceeds the 2892
sufficient available balance in the state public defender's 2893
appropriations, and no payment in that amount shall be made until 2894
the appropriation has been made. The private legal counsel shall 2895
make the request during the current biennium and during each 2896
succeeding biennium until a sufficient appropriation is made. 2897

(b) An award of legal fees, court costs, and expenses 2898
pursuant to division (E) of this section is subject to the 2899
following limitations: 2900

(i) The maximum award or maximum aggregate of a series of 2901
awards of legal fees, court costs, and expenses to the private 2902
legal counsel in connection with the defense of the Ohio public 2903
defender commission, the state public defender, an assistant state 2904
public defender, an employee, or an attorney in a specified civil 2905
action or proceeding shall not exceed fifty thousand dollars. 2906

(ii) The private legal counsel shall not be awarded legal 2907
fees, court costs, or expenses to the extent the fees, costs, or 2908
expenses are covered by a policy of malpractice or other 2909
insurance. 2910

(iii) The private legal counsel shall be awarded legal fees 2911
and expenses only to the extent that the fees and expenses are 2912
reasonable in light of the legal services rendered by the private 2913
legal counsel in connection with the defense of the Ohio public 2914

defender commission, the state public defender, an assistant state 2915
public defender, an employee, or an attorney in a specified civil 2916
action or proceeding. 2917

(c) If, pursuant to division (E)(2)(a) of this section, the 2918
attorney general denies a request for an award of legal fees, 2919
court costs, or expenses to private legal counsel because of the 2920
application of a limitation specified in division (E)(2)(b) of 2921
this section, the attorney general shall notify the private legal 2922
counsel in writing of the denial and of the limitation applied. 2923

(d) If, pursuant to division (E)(2)(c) of this section, a 2924
private legal counsel receives a denial of an award notification 2925
or if a private legal counsel refuses to approve a document under 2926
division (E)(2)(a)(ii) of this section because of the proposed 2927
application of a limitation specified in division (E)(2)(b) of 2928
this section, the private legal counsel may commence a civil 2929
action against the attorney general in the court of claims to 2930
prove the private legal counsel's entitlement to the award sought, 2931
to prove that division (E)(2)(b) of this section does not prohibit 2932
or otherwise limit the award sought, and to recover a judgment for 2933
the amount of the award sought. A civil action under division 2934
(E)(2)(d) of this section shall be commenced no later than two 2935
years after receipt of a denial of award notification or, if the 2936
private legal counsel refused to approve a document under division 2937
(E)(2)(a)(ii) of this section because of the proposed application 2938
of a limitation specified in division (E)(2)(b) of this section, 2939
no later than two years after the refusal. Any judgment of the 2940
court of claims in favor of the private legal counsel shall be 2941
paid from the state treasury in accordance with division (E)(2)(a) 2942
of this section. 2943

(F) If a court appoints the office of the state public 2944
defender to represent a petitioner in a postconviction relief 2945
proceeding under section 2953.21 of the Revised Code, the 2946

petitioner has received a sentence of death, and the proceeding 2947
relates to that sentence, all of the attorneys who represent the 2948
petitioner in the proceeding pursuant to the appointment, whether 2949
an assistant state public defender, the state public defender, or 2950
another attorney, shall be certified under Rule 20 of the Rules of 2951
Superintendence for the Courts of Ohio to represent indigent 2952
defendants charged with or convicted of an offense for which the 2953
death penalty can be or has been imposed. 2954

(G)(1) The state public defender may conduct a legal 2955
assistance referral service for children committed to the 2956
department of youth services relative to conditions of confinement 2957
claims. If the legal assistance referral service receives a 2958
request for assistance from a child confined in a facility 2959
operated, or contracted for, by the department of youth services 2960
and the state public defender determines that the child has a 2961
conditions of confinement claim that has merit, the state public 2962
defender may refer the child to a private attorney. If no private 2963
attorney who the child has been referred to by the state public 2964
defender accepts the case within a reasonable time, the state 2965
public defender may prepare, as appropriate, pro se pleadings in 2966
the form of a complaint regarding the conditions of confinement at 2967
the facility where the child is confined with a motion for 2968
appointment of counsel and other applicable pleadings necessary 2969
for sufficient pro se representation. 2970

(2) Division (G)(1) of this section does not authorize the 2971
state public defender to represent a child committed to the 2972
department of youth services in general civil matters arising 2973
solely out of state law. 2974

(3) The state public defender shall not undertake the 2975
representation of a child in court based on a conditions of 2976
confinement claim arising under this division. 2977

(H) A child's right to representation or services under this 2978

section is not affected by the child, or another person on behalf 2979
of the child, previously having paid for similar representation or 2980
services or having waived legal representation. 2981

(I) The state public defender shall have reasonable access to 2982
any child committed to the department of youth services, 2983
department of youth services institution, and department of youth 2984
services record as needed to implement this section. 2985

(J) As used in this section: 2986

(1) "Community control sanction" has the same meaning as in 2987
section 2929.01 of the Revised Code. 2988

(2) "Conditions of confinement" means any issue involving a 2989
constitutional right or other civil right related to a child's 2990
incarceration, including, but not limited to, actions cognizable 2991
under 42 U.S.C. 1983. 2992

(3) "Post-release control sanction" has the same meaning as 2993
in section 2967.01 of the Revised Code. 2994

Sec. 120.18. (A) The county public defender commission's 2995
report to the board of county commissioners shall be audited by 2996
the county auditor. The board of county commissioners, after 2997
review and approval of the audited report, may then certify it to 2998
the state public defender for reimbursement. If a request for the 2999
reimbursement of any operating expenditure incurred by a county 3000
public defender office is not received by the state public 3001
defender within sixty days after the end of the calendar month in 3002
which the expenditure is incurred, the state public defender shall 3003
not pay the requested reimbursement, unless the county has 3004
requested, and the state public defender has granted, an extension 3005
of the sixty-day time limit. Each request for reimbursement shall 3006
include a certification by the county public defender that the 3007
persons provided representation by the county public defender's 3008

office during the period covered by the report were indigent and, 3009
for each person provided representation during that period, a 3010
financial disclosure form completed by the person on a form 3011
prescribed by the state public defender. The state public defender 3012
shall also review the report and, in accordance with the 3013
standards, guidelines, and maximums established pursuant to 3014
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3015
the payment determination provisions of section 120.34 of the 3016
Revised Code, prepare a voucher for ~~fifty per cent of the total~~ 3017
cost of each county public defender's office for the period of 3018
time covered by the certified report and a voucher for ~~fifty per~~ 3019
~~cent of the costs and expenses that are reimbursable under section~~ 3020
~~120.35 of the Revised Code, if any, or, if the amount of money~~ 3021
~~appropriated by the general assembly to reimburse counties for the~~ 3022
~~operation of county public defender offices, joint county public~~ 3023
~~defender offices, and county appointed counsel systems is not~~ 3024
~~sufficient to pay fifty per cent of the total cost of all of the~~ 3025
~~offices and systems, for the lesser amount required by section~~ 3026
~~120.34 of the Revised Code. The amount of payments to be included~~ 3027
in and made under the voucher shall be determined as specified in 3028
section 120.34 of the Revised Code. For the purposes of this 3029
section, "total cost" means total expenses minus costs and 3030
expenses reimbursable under section 120.35 of the Revised Code and 3031
any funds received by the county public defender commission 3032
pursuant to a contract, except a contract entered into with a 3033
municipal corporation pursuant to division (E) of section 120.14 3034
of the Revised Code, gift, or grant. 3035

(B) If the county public defender fails to maintain the 3036
standards for the conduct of the office established by rules of 3037
the Ohio public defender commission pursuant to divisions (B) and 3038
(C) of section 120.03 or the standards established by the state 3039
public defender pursuant to division (B)(7) of section 120.04 of 3040
the Revised Code, the Ohio public defender commission shall notify 3041

the county public defender commission and the board of county 3042
commissioners of the county that the county public defender has 3043
failed to comply with its rules or the standards of the state 3044
public defender. Unless the county public defender commission or 3045
the county public defender corrects the conduct of the county 3046
public defender's office to comply with the rules and standards 3047
within ninety days after the date of the notice, the state public 3048
defender may deny payment of all or part of the county's 3049
reimbursement from the state provided for in division (A) of this 3050
section. 3051

Sec. 120.28. (A) The joint county public defender 3052
commission's report to the joint board of county commissioners 3053
shall be audited by the fiscal officer of the district. The joint 3054
board of county commissioners, after review and approval of the 3055
audited report, may then certify it to the state public defender 3056
for reimbursement. If a request for the reimbursement of any 3057
operating expenditure incurred by a joint county public defender 3058
office is not received by the state public defender within sixty 3059
days after the end of the calendar month in which the expenditure 3060
is incurred, the state public defender shall not pay the requested 3061
reimbursement, unless the joint board of county commissioners has 3062
requested, and the state public defender has granted, an extension 3063
of the sixty-day time limit. Each request for reimbursement shall 3064
include a certification by the joint county public defender that 3065
all persons provided representation by the joint county public 3066
defender's office during the period covered by the request were 3067
indigent and, for each person provided representation during that 3068
period, a financial disclosure form completed by the person on a 3069
form prescribed by the state public defender. The state public 3070
defender shall also review the report and, in accordance with the 3071
standards, guidelines, and maximums established pursuant to 3072
divisions (B)(7) and (8) of section 120.04 of the Revised Code and 3073

the payment determination provisions of section 120.34 of the 3074
Revised Code, prepare a voucher for ~~fifty per cent~~ of the total 3075
cost of each joint county public defender's office for the period 3076
of time covered by the certified report and a voucher for ~~fifty~~ 3077
~~per cent~~ of the costs and expenses that are reimbursable under 3078
section 120.35 of the Revised Code, if any, ~~or, if the amount of~~ 3079
~~money appropriated by the general assembly to reimburse counties~~ 3080
~~for the operation of county public defender offices, joint county~~ 3081
~~public defender offices, and county appointed counsel systems is~~ 3082
~~not sufficient to pay fifty per cent of the total cost of all of~~ 3083
~~the offices and systems, for the lesser amount required by section~~ 3084
120.34 of the Revised Code. The amount of payments to be included 3085
in and made under the voucher shall be determined as specified in 3086
section 120.34 of the Revised Code. For purposes of this section, 3087
"total cost" means total expenses minus costs and expenses 3088
reimbursable under section 120.35 of the Revised Code and any 3089
funds received by the joint county public defender commission 3090
pursuant to a contract, except a contract entered into with a 3091
municipal corporation pursuant to division (E) of section 120.24 3092
of the Revised Code, gift, or grant. Each county in the district 3093
shall be entitled to a share of such state reimbursement in 3094
proportion to the percentage of the total cost it has agreed to 3095
pay. 3096

(B) If the joint county public defender fails to maintain the 3097
standards for the conduct of the office established by the rules 3098
of the Ohio public defender commission pursuant to divisions (B) 3099
and (C) of section 120.03 or the standards established by the 3100
state public defender pursuant to division (B)(7) of section 3101
120.04 of the Revised Code, the Ohio public defender commission 3102
shall notify the joint county public defender commission and the 3103
board of county commissioners of each county in the district that 3104
the joint county public defender has failed to comply with its 3105
rules or the standards of the state public defender. Unless the 3106

joint public defender commission or the joint county public 3107
defender corrects the conduct of the joint county public 3108
defender's office to comply with the rules and standards within 3109
ninety days after the date of the notice, the state public 3110
defender may deny all or part of the counties' reimbursement from 3111
the state provided for in division (A) of this section. 3112

Sec. 120.33. (A) In lieu of using a county public defender or 3113
joint county public defender to represent indigent persons in the 3114
proceedings set forth in division (A) of section 120.16 of the 3115
Revised Code, the board of county commissioners of any county may 3116
adopt a resolution to pay counsel who are either personally 3117
selected by the indigent person or appointed by the court. The 3118
resolution shall include those provisions the board of county 3119
commissioners considers necessary to provide effective 3120
representation of indigent persons in any proceeding for which 3121
counsel is provided under this section. The resolution shall 3122
include provisions for contracts with any municipal corporation 3123
under which the municipal corporation shall reimburse the county 3124
for counsel appointed to represent indigent persons charged with 3125
violations of the ordinances of the municipal corporation. 3126

(1) In a county that adopts a resolution to pay counsel, an 3127
indigent person shall have the right to do either of the 3128
following: 3129

(a) To select the person's own personal counsel to represent 3130
the person in any proceeding included within the provisions of the 3131
resolution; 3132

(b) To request the court to appoint counsel to represent the 3133
person in such a proceeding. 3134

(2) The court having jurisdiction over the proceeding in a 3135
county that adopts a resolution to pay counsel shall, after 3136
determining that the person is indigent and entitled to legal 3137

representation under this section, do either of the following: 3138

(a) By signed journal entry recorded on its docket, enter the 3139
name of the lawyer selected by the indigent person as counsel of 3140
record; 3141

(b) Appoint counsel for the indigent person if the person has 3142
requested the court to appoint counsel and, by signed journal 3143
entry recorded on its dockets, enter the name of the lawyer 3144
appointed for the indigent person as counsel of record. 3145

(3) The board of county commissioners shall establish a 3146
schedule of fees by case or on an hourly basis to be paid to 3147
counsel for legal services provided pursuant to a resolution 3148
adopted under this section. Prior to establishing the schedule, 3149
the board of county commissioners shall request the bar 3150
association or associations of the county to submit a proposed 3151
schedule for cases other than capital cases. The schedule 3152
submitted shall be subject to the review, amendment, and approval 3153
of the board of county commissioners, except with respect to 3154
capital cases. With respect to capital cases, the schedule shall 3155
provide for fees by case or on an hourly basis to be paid to 3156
counsel in the amount or at the rate set by the capital case 3157
attorney fee council pursuant to division (D) of this section, and 3158
the board of county commissioners shall approve that amount or 3159
rate. 3160

(4) Counsel selected by the indigent person or appointed by 3161
the court at the request of an indigent person in a county that 3162
adopts a resolution to pay counsel, except for counsel appointed 3163
to represent a person charged with any violation of an ordinance 3164
of a municipal corporation that has not contracted with the county 3165
commissioners for the payment of appointed counsel, shall be paid 3166
by the county and shall receive the compensation and expenses the 3167
court approves. With respect to capital cases, the court shall 3168
approve compensation and expenses in accordance with the amount or 3169

at the rate set by the capital case attorney fee council pursuant 3170
to division (D) of this section. Each request for payment shall 3171
include a financial disclosure form completed by the indigent 3172
person on a form prescribed by the state public defender. 3173
Compensation and expenses shall not exceed the amounts fixed by 3174
the board of county commissioners in the schedule adopted pursuant 3175
to division (A)(3) of this section. No court shall approve 3176
compensation and expenses that exceed the amount fixed pursuant to 3177
division (A)(3) of this section. 3178

The fees and expenses approved by the court shall not be 3179
taxed as part of the costs and shall be paid by the county. 3180
However, if the person represented has, or may reasonably be 3181
expected to have, the means to meet some part of the cost of the 3182
services rendered to the person, the person shall pay the county 3183
an amount that the person reasonably can be expected to pay. 3184
Pursuant to section 120.04 of the Revised Code, the county shall 3185
pay to the state public defender a percentage of the payment 3186
received from the person in an amount proportionate to the 3187
percentage of the costs of the person's case that were paid to the 3188
county by the state public defender pursuant to this section. The 3189
money paid to the state public defender shall be credited to the 3190
client payment fund created pursuant to division (B)(5) of section 3191
120.04 of the Revised Code. 3192

The county auditor shall draw a warrant on the county 3193
treasurer for the payment of counsel in the amount fixed by the 3194
court, plus the expenses the court fixes and certifies to the 3195
auditor. The county auditor shall report periodically, but not 3196
less than annually, to the board of county commissioners and to 3197
the state public defender the amounts paid out pursuant to the 3198
approval of the court. The board of county commissioners, after 3199
review and approval of the auditor's report, or the county 3200
auditor, with permission from and notice to the board of county 3201

commissioners, may then certify it to the state public defender 3202
for reimbursement. The state public defender may pay a requested 3203
reimbursement only if the request for reimbursement includes a 3204
financial disclosure form completed by the indigent person on a 3205
form prescribed by the state public defender or if the court 3206
certifies by electronic signature as prescribed by the state 3207
public defender that a financial disclosure form has been 3208
completed by the indigent person and is available for inspection. 3209
If a request for the reimbursement of the cost of counsel in any 3210
case is not received by the state public defender within ninety 3211
days after the end of the calendar month in which the case is 3212
finally disposed of by the court, unless the county has requested 3213
and the state public defender has granted an extension of the 3214
ninety-day limit, the state public defender shall not pay the 3215
requested reimbursement. The state public defender shall also 3216
review the report and, in accordance with the standards, 3217
guidelines, and maximums established pursuant to divisions (B)(7) 3218
and (8) of section 120.04 of the Revised Code and the payment 3219
determination provisions of section 120.34 of the Revised Code, 3220
prepare a voucher for ~~fifty per cent of the total~~ cost of each 3221
county appointed counsel system in the period of time covered by 3222
the certified report and a voucher for ~~fifty per cent of the costs~~ 3223
and expenses that are reimbursable under section 120.35 of the 3224
Revised Code, if any, ~~or, if the amount of money appropriated by~~ 3225
~~the general assembly to reimburse counties for the operation of~~ 3226
~~county public defender offices, joint county public defender~~ 3227
~~offices, and county appointed counsel systems is not sufficient to~~ 3228
~~pay fifty per cent of the total cost of all of the offices and~~ 3229
~~systems other than costs and expenses that are reimbursable under~~ 3230
~~section 120.35 of the Revised Code, for the lesser amount required~~ 3231
~~by section 120.34 of the Revised Code. The amount of payments to~~ 3232
be included in and made under the voucher shall be determined as 3233
specified in section 120.34 of the Revised Code. 3234

(5) If any county appointed counsel system fails to maintain 3235
the standards for the conduct of the system established by the 3236
rules of the Ohio public defender commission pursuant to divisions 3237
(B) and (C) of section 120.03 or the standards established by the 3238
state public defender pursuant to division (B)(7) of section 3239
120.04 of the Revised Code, the Ohio public defender commission 3240
shall notify the board of county commissioners of the county that 3241
the county appointed counsel system has failed to comply with its 3242
rules or the standards of the state public defender. Unless the 3243
board of county commissioners corrects the conduct of its 3244
appointed counsel system to comply with the rules and standards 3245
within ninety days after the date of the notice, the state public 3246
defender may deny all or part of the county's reimbursement from 3247
the state provided for in division (A)(4) of this section. 3248

(B) In lieu of using a county public defender or joint county 3249
public defender to represent indigent persons in the proceedings 3250
set forth in division (A) of section 120.16 of the Revised Code, 3251
and in lieu of adopting the resolution and following the procedure 3252
described in division (A) of this section, the board of county 3253
commissioners of any county may contract with the state public 3254
defender for the state public defender's legal representation of 3255
indigent persons. A contract entered into pursuant to this 3256
division may provide for payment for the services provided on a 3257
per case, hourly, or fixed contract basis. 3258

(C) If a court appoints an attorney pursuant to this section 3259
to represent a petitioner in a postconviction relief proceeding 3260
under section 2953.21 of the Revised Code, the petitioner has 3261
received a sentence of death, and the proceeding relates to that 3262
sentence, the attorney who represents the petitioner in the 3263
proceeding pursuant to the appointment shall be certified under 3264
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3265
represent indigent defendants charged with or convicted of an 3266

offense for which the death penalty can be or has been imposed. 3267

(D)(1) There is hereby created the capital case attorney fee 3268
council, appointed as described in division (D)(2) of this 3269
section. The council shall set an amount by case, or a rate on an 3270
hourly basis, to be paid under this section to counsel in a 3271
capital case. 3272

(2) The capital case attorney fee council shall consist of 3273
five members, all of whom shall be active judges serving on one of 3274
the district courts of appeals in this state. Terms for council 3275
members shall be the lesser of three years or until the member 3276
ceases to be an active judge of a district court of appeals. The 3277
initial terms shall commence ninety days after September 28, 2016. 3278
The chief justice of the supreme court shall appoint the members 3279
of the council, and shall make all of the appointments not later 3280
than sixty days after September 28, 2016. When any vacancy occurs, 3281
the chief justice shall appoint an active judge of a district 3282
court of appeals in this state to fill the vacancy for the 3283
unexpired term, in the same manner as prescribed in this division. 3284
The chief justice shall designate a chairperson from the appointed 3285
members of the council. Members of the council shall receive no 3286
additional compensation for their service as a member, but may be 3287
reimbursed for expenses reasonably incurred in service to the 3288
council, to be paid by the supreme court. The supreme court may 3289
provide administrative support to the council. 3290

(3) The capital case attorney fee council initially shall 3291
meet not later than one hundred twenty days after September 28, 3292
2016. Thereafter, the council shall meet not less than annually. 3293

(4) Upon setting the amount or rate described in division 3294
(D)(1) of this section, the chairperson of the capital case 3295
attorney fee council promptly shall provide written notice to the 3296
state public defender of the amount or rate so set. The amount or 3297
rate so set shall become effective ninety days after the date on 3298

which the chairperson provides that written notice to the state 3299
public defender. The council shall specify that effective date in 3300
the written notice provided to the state public defender. All 3301
amounts or rates set by the council shall be final, subject to 3302
modification as described in division (D)(5) of this section, and 3303
not subject to appeal. 3304

(5) The capital case attorney fee council may modify an 3305
amount or rate set as described in division (D)(4) of this 3306
section. The provisions of that division apply with respect to any 3307
such modification of an amount or rate. 3308

Sec. 120.34. The total amount of money paid to all counties 3309
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3310
120.33, 120.35, and 2941.51 of the Revised Code for the 3311
reimbursement of ~~a percentage of~~ the counties' cost of operating 3312
county public defender offices, joint county public defender 3313
offices, and county appointed counsel systems, the counties' costs 3314
and expenses of conducting the defense in capital cases, and the 3315
counties' costs and expenses of appointed counsel covered by 3316
section 2941.51 of the Revised Code shall not exceed the total 3317
amount appropriated for that fiscal year by the general assembly 3318
for the reimbursement of the counties for the operation of the 3319
offices and systems and for those appointed counsel costs and 3320
expenses, and shall be determined as specified in this section. If 3321
the amount appropriated by the general assembly in any fiscal year 3322
is insufficient to pay ~~fifty per cent of~~ the total cost in the 3323
fiscal year of all county public defender offices, all joint 3324
county public defender offices, ~~and~~ all county appointed counsel 3325
systems, and all costs and expenses of appointed counsel covered 3326
by section 2941.51 of the Revised Code, the amount of money paid 3327
in that fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3328
120.33, 120.35, and 2941.51 of the Revised Code to each county for 3329
the fiscal year shall be reduced proportionately so that each 3330

county is paid an equal percentage of its total cost in the fiscal 3331
year for operating its county public defender system, its joint 3332
county public defender system, and its county appointed counsel 3333
system, an equal percentage of its costs and expenses of 3334
conducting the defense in capital cases in the fiscal year, and an 3335
equal percentage of its costs and expenses of appointed counsel 3336
covered by section 2941.51 of the Revised Code. 3337

~~The total amount of money paid to all counties in any fiscal 3338
year pursuant to section 120.35 of the Revised Code for the 3339
reimbursement of a percentage of the counties' costs and expenses 3340
of conducting the defense in capital cases shall not exceed the 3341
total amount appropriated for that fiscal year by the general 3342
assembly for the reimbursement of the counties for conducting the 3343
defense in capital cases. If the amount appropriated by the 3344
general assembly in any fiscal year is insufficient to pay fifty 3345
per cent of the counties' total costs and expenses of conducting 3346
the defense in capital cases in the fiscal year, the amount of 3347
money paid in that fiscal year pursuant to section 120.35 of the 3348
Revised Code to each county for the fiscal year shall be reduced 3349
proportionately so that each county is paid an equal percentage of 3350
its costs and expenses of conducting the defense in capital cases 3351
in the fiscal year.~~ 3352

If any county receives an amount of money pursuant to section 3353
120.18, 120.28, 120.33, ~~or~~ 120.35, or 2941.51 of the Revised Code 3354
that is in excess of the amount of reimbursement it is entitled to 3355
receive pursuant to this section, the state public defender shall 3356
request the board of county commissioners to return the excess 3357
payment and the board of county commissioners, upon receipt of the 3358
request, shall direct the appropriate county officer to return the 3359
excess payment to the state. 3360

Within thirty days of the end of each fiscal quarter, the 3361
state public defender shall provide to the office of budget and 3362

management and the ~~legislative budget office of the~~ legislative 3363
service commission an estimate of the amount of money that will be 3364
required for the balance of the fiscal year to make the payments 3365
required by sections 120.18, 120.28, 120.33, ~~and~~ 120.35, and 3366
2941.51 of the Revised Code. 3367

Sec. 120.35. The state public defender shall, pursuant to 3368
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3369
reimburse ~~fifty per cent of all~~ the costs and expenses of 3370
conducting the defense in capital cases, in an amount determined 3371
as specified in section 120.34 of the Revised Code. ~~If~~ 3372
~~appropriations are insufficient to pay fifty per cent of such~~ 3373
~~costs and expenses, the state public defender shall reimburse such~~ 3374
~~costs and expenses as provided in section 120.34 of the Revised~~ 3375
~~Code.~~ 3376

Sec. 120.52. There is hereby established in the state 3377
treasury the legal aid fund, which shall be for the charitable 3378
public purpose of providing financial assistance to legal aid 3379
societies that provide civil legal services to indigents. The fund 3380
shall contain all funds credited to it by the treasurer of state 3381
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3382
4705.09, and 4705.10 of the Revised Code. 3383

The treasurer of state may invest moneys contained in the 3384
legal aid fund in any manner authorized by the Revised Code for 3385
the investment of state moneys. However, no such investment shall 3386
interfere with any apportionment, allocation, or payment of moneys 3387
as required by section 120.53 of the Revised Code. 3388

The state public defender, through the Ohio ~~legal assistance~~ 3389
access to justice foundation, shall administer the payment of 3390
moneys out of the fund. Four and one-half per cent of the moneys 3391
in the fund shall be reserved for the actual, reasonable costs of 3392

administering sections 120.51 to 120.55 and sections 1901.26, 3393
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3394
Code. Moneys that are reserved for administrative costs but that 3395
are not used for actual, reasonable administrative costs shall be 3396
set aside for use in the manner described in division (A) of 3397
section 120.521 of the Revised Code. The remainder of the moneys 3398
in the legal aid fund shall be distributed in accordance with 3399
section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ 3400
access to justice foundation shall establish, in accordance with 3401
Chapter 119. of the Revised Code, rules governing the 3402
administration of the legal aid fund, including the programs 3403
established under sections 1901.26, 1907.24, 2303.201, 4705.09, 3404
and 4705.10 of the Revised Code regarding interest on 3405
interest-bearing trust accounts of an attorney, law firm, or legal 3406
professional association. 3407

Sec. 120.521. (A) The state public defender shall establish a 3408
charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ 3409
access to justice foundation, to actively solicit and accept 3410
gifts, bequests, donations, and contributions for use in providing 3411
financial assistance to legal aid societies, enhancing or 3412
improving the delivery of civil legal services to indigents, and 3413
operating the foundation. The Ohio ~~legal assistance~~ access to 3414
justice foundation shall deposit all gifts, bequests, donations, 3415
and contributions accepted by it into the ~~legal assistance~~ access 3416
to justice foundation fund established under this section. If the 3417
state public defender, pursuant to section 120.52 of the Revised 3418
Code as it existed prior to June 30, 1995, established a 3419
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3420
access to justice foundation and if that foundation is in 3421
existence on the day before June 30, 1995, that foundation shall 3422
continue in existence and shall serve as the Ohio ~~legal assistance~~ 3423
access to justice foundation described in this section. 3424

There is hereby established the ~~legal assistance~~ access to 3425
justice foundation fund, which shall be under the custody and 3426
control of the Ohio ~~legal assistance~~ access to justice foundation. 3427
The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3428
~~assistance~~ access to justice foundation pursuant to section 120.53 3429
of the Revised Code and all gifts, bequests, donations, and 3430
contributions accepted by the Ohio ~~legal assistance~~ access to 3431
justice foundation under this section. 3432

The Ohio ~~legal assistance~~ access to justice foundation shall 3433
distribute or use all moneys in the ~~legal assistance~~ access to 3434
justice foundation fund for the charitable public purpose of 3435
providing financial assistance to legal aid societies that provide 3436
civil legal services to indigents, enhancing or improving the 3437
delivery of civil legal services to indigents, and operating the 3438
foundation. The Ohio ~~legal assistance~~ access to justice foundation 3439
shall establish rules governing the administration of the ~~legal~~ 3440
~~assistance~~ access to justice foundation fund. 3441

The Ohio ~~legal assistance~~ access to justice foundation shall 3442
include, in the annual report it is required to make to the 3443
governor, the general assembly, and the supreme court pursuant to 3444
division (G)(2) of section 120.53 of the Revised Code, an audited 3445
financial statement on the distribution and use of the ~~legal~~ 3446
~~assistance~~ access to justice foundation fund. No information 3447
contained in the statement shall identify or enable the 3448
identification of any person served by a legal aid society or in 3449
any way breach confidentiality. 3450

Membership on the board of the Ohio ~~legal assistance~~ access 3451
to justice foundation does not constitute holding another public 3452
office and does not constitute grounds for resignation from the 3453
senate or house of representatives under section 101.26 of the 3454
Revised Code. 3455

(B) A foundation is tax exempt for purposes of this section 3456

if the foundation is exempt from federal income taxation under 3457
subsection 501(a) of the "Internal Revenue Code of 1986," 100 3458
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 3459
has received from the internal revenue service a determination 3460
letter that is in effect stating that the foundation is exempt 3461
from federal income taxation under that subsection. 3462

Sec. 120.53. (A) A legal aid society that operates within the 3463
state may apply to the Ohio ~~legal assistance~~ access to justice 3464
foundation for financial assistance from the legal aid fund 3465
established by section 120.52 of the Revised Code to be used for 3466
the funding of the society during the calendar year following the 3467
calendar year in which application is made. 3468

(B) An application for financial assistance made under 3469
division (A) of this section shall be submitted by the first day 3470
of November of the calendar year preceding the calendar year for 3471
which financial assistance is desired and shall include all of the 3472
following: 3473

(1) Evidence that the applicant is incorporated in this state 3474
as a nonprofit corporation; 3475

(2) A list of the trustees of the applicant; 3476

(3) The proposed budget of the applicant for these funds for 3477
the following calendar year; 3478

(4) A summary of the services to be offered by the applicant 3479
in the following calendar year; 3480

(5) A specific description of the territory or constituency 3481
served by the applicant; 3482

(6) An estimate of the number of persons to be served by the 3483
applicant during the following calendar year; 3484

(7) A general description of the additional sources of the 3485
applicant's funding; 3486

(8) The amount of the applicant's total budget for the 3487
calendar year in which the application is filed that it will 3488
expend in that calendar year for legal services in each of the 3489
counties it serves; 3490

(9) A specific description of any services, programs, 3491
training, and legal technical assistance to be delivered by the 3492
applicant or by another person pursuant to a contract with the 3493
applicant, including, but not limited to, by private attorneys or 3494
through reduced fee plans, judicare panels, organized pro bono 3495
programs, and mediation programs. 3496

(C) The Ohio ~~legal assistance~~ access to justice foundation 3497
shall determine whether each applicant that filed an application 3498
for financial assistance under division (A) of this section in a 3499
calendar year is eligible for financial assistance under this 3500
section. To be eligible for such financial assistance, an 3501
applicant shall satisfy the criteria for being a legal aid society 3502
and shall be in compliance with the provisions of sections 120.51 3503
to 120.55 of the Revised Code and with the rules and requirements 3504
the foundation establishes pursuant to section 120.52 of the 3505
Revised Code. The Ohio ~~legal assistance~~ access to justice 3506
foundation then, on or before the fifteenth day of December of the 3507
calendar year in which the application is filed, shall notify each 3508
such applicant, in writing, whether it is eligible for financial 3509
assistance under this section, and if it is eligible, estimate the 3510
amount that will be available for that applicant for each 3511
six-month distribution period, as determined under division (D) of 3512
this section. 3513

(D) The Ohio ~~legal assistance~~ access to justice foundation 3514
shall allocate moneys contained in the legal aid fund monthly for 3515
distribution to applicants that filed their applications in the 3516
previous calendar year and are determined to be eligible 3517
applicants. 3518

All moneys contained in the fund on the first day of each month shall be allocated, after deduction of the costs of administering sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code that are authorized by section 120.52 of the Revised Code, according to this section and shall be distributed accordingly not later than the last day of the month following the month the moneys were received. In making the allocations under this section, the moneys in the fund that were generated pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code shall be apportioned as follows:

(1) After deduction of the amount authorized and used for actual, reasonable administrative costs under section 120.52 of the Revised Code:

(a) Five per cent of the moneys remaining in the fund shall be reserved for use in the manner described in division (A) of section 120.521 of the Revised Code or for distribution to legal aid societies that provide assistance to special population groups of their eligible clients, engage in special projects that have a substantial impact on their local service area or on significant segments of the state's poverty population, or provide legal training or support to other legal aid societies in the state;

(b) After deduction of the amount described in division (D)(1)(a) of this section, one and three-quarters per cent of the moneys remaining in the fund shall be apportioned among entities that received financial assistance from the legal aid fund prior to July 1, 1993, but that, on and after July 1, 1993, no longer qualify as a legal aid society that is eligible for financial assistance under this section.

(c) After deduction of the amounts described in divisions (D)(1)(a) and (b) of this section, fifteen per cent of the moneys remaining in the fund shall be placed in the ~~legal assistance~~

access to justice foundation fund for use in the manner described 3551
in division (A) of section 120.521 of the Revised Code. 3552

(2) After deduction of the actual, reasonable administrative 3553
costs under section 120.52 of the Revised Code and after deduction 3554
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3555
this section, the remaining moneys shall be apportioned among the 3556
counties that are served by eligible legal aid societies that have 3557
applied for financial assistance under this section so that each 3558
such county is apportioned a portion of those moneys, based upon 3559
the ratio of the number of indigents who reside in that county to 3560
the total number of indigents who reside in all counties of this 3561
state that are served by eligible legal aid societies that have 3562
applied for financial assistance under this section. Subject to 3563
division (E) of this section, the moneys apportioned to a county 3564
under this division then shall be allocated to the eligible legal 3565
aid society that serves the county and that has applied for 3566
financial assistance under this section. For purposes of this 3567
division, the source of data identifying the number of indigent 3568
persons who reside in a county shall be selected by the Ohio ~~legal~~ 3569
~~assistance~~ access to justice foundation from the best available 3570
figures maintained by the United States census bureau. 3571

(E) If the Ohio ~~legal assistance~~ access to justice 3572
foundation, in attempting to make an allocation of moneys under 3573
division (D)(2) of this section, determines that a county that has 3574
been apportioned money under that division is served by more than 3575
one eligible legal aid society that has applied for financial 3576
assistance under this section, the Ohio ~~legal assistance~~ access to 3577
justice foundation shall allocate the moneys that have been 3578
apportioned to that county under division (D)(2) of this section 3579
among all eligible legal aid societies that serve that county and 3580
that have applied for financial assistance under this section on a 3581
pro rata basis, so that each such eligible society is allocated a 3582

portion based upon the amount of its total budget expended in the 3583
prior calendar year for legal services in that county as compared 3584
to the total amount expended in the prior calendar year for legal 3585
services in that county by all eligible legal aid societies that 3586
serve that county and that have applied for financial assistance 3587
under this section. 3588

(F) Moneys allocated to eligible applicants under this 3589
section shall be paid monthly beginning the calendar year 3590
following the calendar year in which the application is filed. 3591

(G)(1) A legal aid society that receives financial assistance 3592
in any calendar year under this section shall file an annual 3593
report with the Ohio ~~legal assistance~~ access to justice foundation 3594
detailing the number and types of cases handled, and the amount 3595
and types of legal training, legal technical assistance, and other 3596
service provided, by means of that financial assistance. No 3597
information contained in the report shall identify or enable the 3598
identification of any person served by the legal aid society or in 3599
any way breach client confidentiality. 3600

(2) The Ohio ~~legal assistance~~ access to justice foundation 3601
shall make an annual report to the governor, the general assembly, 3602
and the supreme court on the distribution and use of the legal aid 3603
fund. The foundation also shall include in the annual report an 3604
audited financial statement of all gifts, bequests, donations, 3605
contributions, and other moneys the foundation receives. No 3606
information contained in the report shall identify or enable the 3607
identification of any person served by a legal aid society, or in 3608
any way breach confidentiality. 3609

(H) A legal aid society may enter into agreements for the 3610
provision of services, programs, training, or legal technical 3611
assistance for the legal aid society or to indigent persons. 3612

Sec. 121.083. (A) The superintendent of industrial compliance 3613

in the department of commerce shall do all of the following: 3614

3615

~~(A)~~(1) Administer and enforce the general laws of this state 3616
pertaining to buildings, pressure piping, boilers, bedding, 3617
upholstered furniture, and stuffed toys, steam engineering, 3618
elevators, plumbing, licensed occupations regulated by the 3619
department, and travel agents, as they apply to plans review, 3620
inspection, code enforcement, testing, licensing, registration, 3621
and certification. 3622

~~(B)~~(2) Exercise the powers and perform the duties delegated 3623
to the superintendent by the director of commerce under Chapters 3624
4109., 4111., and 4115. of the Revised Code. 3625

~~(C)~~(3) Collect and collate statistics as are necessary. 3626

~~(D)~~(4) Examine and license persons who desire to act as steam 3627
engineers, to operate steam boilers, and to act as inspectors of 3628
steam boilers, provide for the scope, conduct, and time of such 3629
examinations, provide for, regulate, and enforce the renewal and 3630
revocation of such licenses, inspect and examine steam boilers and 3631
make, publish, and enforce rules and orders for the construction, 3632
installation, inspection, and operation of steam boilers, and do, 3633
require, and enforce all things necessary to make such 3634
examination, inspection, and requirement efficient. 3635

~~(E)~~(5) Rent and furnish offices as needed in cities in this 3636
state for the conduct of its affairs. 3637

~~(F)~~(6) Oversee a chief of construction and compliance, a 3638
chief of operations and maintenance, a chief of licensing and 3639
certification, a chief of worker protection, and other designees 3640
appointed by the director to perform the duties described in this 3641
section. 3642

~~(G)~~(7) Enforce the rules the board of building standards 3643
adopts pursuant to division (A)(2) of section 4104.43 of the 3644

Revised Code under the circumstances described in division (D) of 3645
that section. 3646

~~(H)~~(8) Accept submissions, establish a fee for submissions, 3647
and review submissions of certified welding and brazing procedure 3648
specifications, procedure qualification records, and performance 3649
qualification records for building services piping as required by 3650
section 4104.44 of the Revised Code. 3651

(B) The superintendent may enter into a contract with a 3652
municipal corporation, township, or county building department 3653
certified by the board of building standards pursuant to division 3654
(E) of section 3781.10 of the Revised Code, or a municipal or 3655
county health district, to do any of the following on behalf of 3656
the building department or health district: 3657

(1) Exercise enforcement authority pursuant to section 3658
3781.03 of the Revised Code; 3659

(2) Accept and approve plans and specifications, and make 3660
inspections, pursuant to section 3791.04 of the Revised Code; 3661

(3) Enforce the rules adopted pursuant to division (A)(2) of 3662
section 4104.43 of the Revised Code. 3663

Sec. 121.22. (A) This section shall be liberally construed to 3664
require public officials to take official action and to conduct 3665
all deliberations upon official business only in open meetings 3666
unless the subject matter is specifically excepted by law. 3667

(B) As used in this section: 3668

(1) "Public body" means any of the following: 3669

(a) Any board, commission, committee, council, or similar 3670
decision-making body of a state agency, institution, or authority, 3671
and any legislative authority or board, commission, committee, 3672
council, agency, authority, or similar decision-making body of any 3673
county, township, municipal corporation, school district, or other 3674

political subdivision or local public institution; 3675

(b) Any committee or subcommittee of a body described in 3676
division (B)(1)(a) of this section; 3677

(c) A court of jurisdiction of a sanitary district organized 3678
wholly for the purpose of providing a water supply for domestic, 3679
municipal, and public use when meeting for the purpose of the 3680
appointment, removal, or reappointment of a member of the board of 3681
directors of such a district pursuant to section 6115.10 of the 3682
Revised Code, if applicable, or for any other matter related to 3683
such a district other than litigation involving the district. As 3684
used in division (B)(1)(c) of this section, "court of 3685
jurisdiction" has the same meaning as "court" in section 6115.01 3686
of the Revised Code. 3687

(2) "Meeting" means any prearranged discussion of the public 3688
business of the public body by a majority of its members. 3689

(3) "Regulated individual" means either of the following: 3690

(a) A student in a state or local public educational 3691
institution; 3692

(b) A person who is, voluntarily or involuntarily, an inmate, 3693
patient, or resident of a state or local institution because of 3694
criminal behavior, mental illness, an intellectual disability, 3695
disease, disability, age, or other condition requiring custodial 3696
care. 3697

(4) "Public office" has the same meaning as in section 3698
149.011 of the Revised Code. 3699

(C) All meetings of any public body are declared to be public 3700
meetings open to the public at all times. A member of a public 3701
body shall be present in person at a meeting open to the public to 3702
be considered present or to vote at the meeting and for purposes 3703
of determining whether a quorum is present at the meeting. 3704

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

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

(1) A grand jury;

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

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	3735 3736 3737
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	3738 3739 3740
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3741 3742 3743
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3744 3745 3746 3747
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3748 3749 3750 3751
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	3752 3753 3754 3755
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	3756 3757 3758 3759 3760
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	3761 3762 3763 3764

(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code;	3765 3766 3767 3768
<u>(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;</u>	3769 3770
<u>(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code.</u>	3771 3772
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	3773 3774 3775 3776 3777 3778 3779 3780 3781
(1) Marketing plans;	3782
(2) Specific business strategy;	3783
(3) Production techniques and trade secrets;	3784
(4) Financial projections;	3785
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	3786 3787 3788 3789
The vote by the authority or board to accept or reject the application, as well as all proceedings of the authority or board not subject to this division, shall be open to the public and governed by this section.	3790 3791 3792 3793
(F) Every public body, by rule, shall establish a reasonable	3794

method whereby any person may determine the time and place of all 3795
regularly scheduled meetings and the time, place, and purpose of 3796
all special meetings. A public body shall not hold a special 3797
meeting unless it gives at least twenty-four hours' advance notice 3798
to the news media that have requested notification, except in the 3799
event of an emergency requiring immediate official action. In the 3800
event of an emergency, the member or members calling the meeting 3801
shall notify the news media that have requested notification 3802
immediately of the time, place, and purpose of the meeting. 3803

The rule shall provide that any person, upon request and 3804
payment of a reasonable fee, may obtain reasonable advance 3805
notification of all meetings at which any specific type of public 3806
business is to be discussed. Provisions for advance notification 3807
may include, but are not limited to, mailing the agenda of 3808
meetings to all subscribers on a mailing list or mailing notices 3809
in self-addressed, stamped envelopes provided by the person. 3810

(G) Except as provided in divisions (G)(8) and (J) of this 3811
section, the members of a public body may hold an executive 3812
session only after a majority of a quorum of the public body 3813
determines, by a roll call vote, to hold an executive session and 3814
only at a regular or special meeting for the sole purpose of the 3815
consideration of any of the following matters: 3816

(1) To consider the appointment, employment, dismissal, 3817
discipline, promotion, demotion, or compensation of a public 3818
employee or official, or the investigation of charges or 3819
complaints against a public employee, official, licensee, or 3820
regulated individual, unless the public employee, official, 3821
licensee, or regulated individual requests a public hearing. 3822
Except as otherwise provided by law, no public body shall hold an 3823
executive session for the discipline of an elected official for 3824
conduct related to the performance of the elected official's 3825
official duties or for the elected official's removal from office. 3826

If a public body holds an executive session pursuant to division 3827
(G)(1) of this section, the motion and vote to hold that executive 3828
session shall state which one or more of the approved purposes 3829
listed in division (G)(1) of this section are the purposes for 3830
which the executive session is to be held, but need not include 3831
the name of any person to be considered at the meeting. 3832

(2) To consider the purchase of property for public purposes, 3833
the sale of property at competitive bidding, or the sale or other 3834
disposition of unneeded, obsolete, or unfit-for-use property in 3835
accordance with section 505.10 of the Revised Code, if premature 3836
disclosure of information would give an unfair competitive or 3837
bargaining advantage to a person whose personal, private interest 3838
is adverse to the general public interest. No member of a public 3839
body shall use division (G)(2) of this section as a subterfuge for 3840
providing covert information to prospective buyers or sellers. A 3841
purchase or sale of public property is void if the seller or buyer 3842
of the public property has received covert information from a 3843
member of a public body that has not been disclosed to the general 3844
public in sufficient time for other prospective buyers and sellers 3845
to prepare and submit offers. 3846

If the minutes of the public body show that all meetings and 3847
deliberations of the public body have been conducted in compliance 3848
with this section, any instrument executed by the public body 3849
purporting to convey, lease, or otherwise dispose of any right, 3850
title, or interest in any public property shall be conclusively 3851
presumed to have been executed in compliance with this section 3852
insofar as title or other interest of any bona fide purchasers, 3853
lessees, or transferees of the property is concerned. 3854

(3) Conferences with an attorney for the public body 3855
concerning disputes involving the public body that are the subject 3856
of pending or imminent court action; 3857

(4) Preparing for, conducting, or reviewing negotiations or 3858

bargaining sessions with public employees concerning their 3859
compensation or other terms and conditions of their employment; 3860

(5) Matters required to be kept confidential by federal law 3861
or regulations or state statutes; 3862

(6) Details relative to the security arrangements and 3863
emergency response protocols for a public body or a public office, 3864
if disclosure of the matters discussed could reasonably be 3865
expected to jeopardize the security of the public body or public 3866
office; 3867

(7) In the case of a county hospital operated pursuant to 3868
Chapter 339. of the Revised Code, a joint township hospital 3869
operated pursuant to Chapter 513. of the Revised Code, or a 3870
municipal hospital operated pursuant to Chapter 749. of the 3871
Revised Code, to consider trade secrets, as defined in section 3872
1333.61 of the Revised Code; 3873

(8) To consider confidential information related to the 3874
marketing plans, specific business strategy, production 3875
techniques, trade secrets, or personal financial statements of an 3876
applicant for economic development assistance, or to negotiations 3877
with other political subdivisions respecting requests for economic 3878
development assistance, provided that both of the following 3879
conditions apply: 3880

(a) The information is directly related to a request for 3881
economic development assistance that is to be provided or 3882
administered under any provision of Chapter 715., 725., 1724., or 3883
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3884
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3885
the Revised Code, or that involves public infrastructure 3886
improvements or the extension of utility services that are 3887
directly related to an economic development project. 3888

(b) A unanimous quorum of the public body determines, by a 3889

roll call vote, that the executive session is necessary to protect 3890
the interests of the applicant or the possible investment or 3891
expenditure of public funds to be made in connection with the 3892
economic development project. 3893

If a public body holds an executive session to consider any 3894
of the matters listed in divisions (G)(2) to (8) of this section, 3895
the motion and vote to hold that executive session shall state 3896
which one or more of the approved matters listed in those 3897
divisions are to be considered at the executive session. 3898

A public body specified in division (B)(1)(c) of this section 3899
shall not hold an executive session when meeting for the purposes 3900
specified in that division. 3901

(H) A resolution, rule, or formal action of any kind is 3902
invalid unless adopted in an open meeting of the public body. A 3903
resolution, rule, or formal action adopted in an open meeting that 3904
results from deliberations in a meeting not open to the public is 3905
invalid unless the deliberations were for a purpose specifically 3906
authorized in division (G) or (J) of this section and conducted at 3907
an executive session held in compliance with this section. A 3908
resolution, rule, or formal action adopted in an open meeting is 3909
invalid if the public body that adopted the resolution, rule, or 3910
formal action violated division (F) of this section. 3911

(I)(1) Any person may bring an action to enforce this 3912
section. An action under division (I)(1) of this section shall be 3913
brought within two years after the date of the alleged violation 3914
or threatened violation. Upon proof of a violation or threatened 3915
violation of this section in an action brought by any person, the 3916
court of common pleas shall issue an injunction to compel the 3917
members of the public body to comply with its provisions. 3918

(2)(a) If the court of common pleas issues an injunction 3919
pursuant to division (I)(1) of this section, the court shall order 3920

the public body that it enjoins to pay a civil forfeiture of five 3921
hundred dollars to the party that sought the injunction and shall 3922
award to that party all court costs and, subject to reduction as 3923
described in division (I)(2) of this section, reasonable 3924
attorney's fees. The court, in its discretion, may reduce an award 3925
of attorney's fees to the party that sought the injunction or not 3926
award attorney's fees to that party if the court determines both 3927
of the following: 3928

(i) That, based on the ordinary application of statutory law 3929
and case law as it existed at the time of violation or threatened 3930
violation that was the basis of the injunction, a well-informed 3931
public body reasonably would believe that the public body was not 3932
violating or threatening to violate this section; 3933

(ii) That a well-informed public body reasonably would 3934
believe that the conduct or threatened conduct that was the basis 3935
of the injunction would serve the public policy that underlies the 3936
authority that is asserted as permitting that conduct or 3937
threatened conduct. 3938

(b) If the court of common pleas does not issue an injunction 3939
pursuant to division (I)(1) of this section and the court 3940
determines at that time that the bringing of the action was 3941
frivolous conduct, as defined in division (A) of section 2323.51 3942
of the Revised Code, the court shall award to the public body all 3943
court costs and reasonable attorney's fees, as determined by the 3944
court. 3945

(3) Irreparable harm and prejudice to the party that sought 3946
the injunction shall be conclusively and irrebuttably presumed 3947
upon proof of a violation or threatened violation of this section. 3948

(4) A member of a public body who knowingly violates an 3949
injunction issued pursuant to division (I)(1) of this section may 3950
be removed from office by an action brought in the court of common 3951

pleas for that purpose by the prosecuting attorney or the attorney 3952
general. 3953

(J)(1) Pursuant to division (C) of section 5901.09 of the 3954
Revised Code, a veterans service commission shall hold an 3955
executive session for one or more of the following purposes unless 3956
an applicant requests a public hearing: 3957

(a) Interviewing an applicant for financial assistance under 3958
sections 5901.01 to 5901.15 of the Revised Code; 3959

(b) Discussing applications, statements, and other documents 3960
described in division (B) of section 5901.09 of the Revised Code; 3961

(c) Reviewing matters relating to an applicant's request for 3962
financial assistance under sections 5901.01 to 5901.15 of the 3963
Revised Code. 3964

(2) A veterans service commission shall not exclude an 3965
applicant for, recipient of, or former recipient of financial 3966
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3967
and shall not exclude representatives selected by the applicant, 3968
recipient, or former recipient, from a meeting that the commission 3969
conducts as an executive session that pertains to the applicant's, 3970
recipient's, or former recipient's application for financial 3971
assistance. 3972

(3) A veterans service commission shall vote on the grant or 3973
denial of financial assistance under sections 5901.01 to 5901.15 3974
of the Revised Code only in an open meeting of the commission. The 3975
minutes of the meeting shall indicate the name, address, and 3976
occupation of the applicant, whether the assistance was granted or 3977
denied, the amount of the assistance if assistance is granted, and 3978
the votes for and against the granting of assistance. 3979

Sec. 121.37. (A)(1) There is hereby created the Ohio family 3980
and children first cabinet council. The council shall be composed 3981

of the superintendent of public instruction, the executive 3982
director of the opportunities for Ohioans with disabilities 3983
agency, the medicaid director, and the directors of youth 3984
services, job and family services, mental health and addiction 3985
services, health, developmental disabilities, aging, 3986
rehabilitation and correction, and budget and management. The 3987
chairperson of the council shall be the governor or the governor's 3988
designee and shall establish procedures for the council's internal 3989
control and management. 3990

The purpose of the cabinet council is to help families 3991
seeking government services. This section shall not be interpreted 3992
or applied to usurp the role of parents, but solely to streamline 3993
and coordinate existing government services for families seeking 3994
assistance for their children. 3995

(2) In seeking to fulfill its purpose, the council may do any 3996
of the following: 3997

(a) Advise and make recommendations to the governor and 3998
general assembly regarding the provision of services to children; 3999

(b) Advise and assess local governments on the coordination 4000
of service delivery to children; 4001

(c) Hold meetings at such times and places as may be 4002
prescribed by the council's procedures and maintain records of the 4003
meetings, except that records identifying individual children are 4004
confidential and shall be disclosed only as provided by law; 4005

(d) Develop programs and projects, including pilot projects, 4006
to encourage coordinated efforts at the state and local level to 4007
improve the state's social service delivery system; 4008

(e) Enter into contracts with and administer grants to county 4009
family and children first councils, as well as other county or 4010
multicounty organizations to plan and coordinate service delivery 4011
between state agencies and local service providers for families 4012

and children;	4013
(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	4014 4015
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	4016 4017 4018 4019 4020
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	4021 4022 4023 4024
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	4025 4026 4027 4028
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	4029 4030 4031 4032
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	4033 4034 4035 4036
(3) The cabinet council shall provide for the following:	4037
(a) Reviews of service and treatment plans for children for which such reviews are requested;	4038 4039
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	4040 4041 4042

(c) Monitoring and supervision of a statewide, comprehensive, 4043
coordinated, multi-disciplinary, interagency system for infants 4044
and toddlers with developmental disabilities or delays and their 4045
families, as established pursuant to federal grants received and 4046
administered by the department of health for early intervention 4047
services under the "Individuals with Disabilities Education Act of 4048
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 4049

(4) The cabinet council shall develop and implement the 4050
following: 4051

(a) An interagency process to select the indicators that will 4052
be used to measure progress toward increasing child well-being in 4053
the state and to update the indicators on an annual basis. The 4054
indicators shall focus on expectant parents and newborns thriving; 4055
infants and toddlers thriving; children being ready for school; 4056
children and youth succeeding in school; youth choosing healthy 4057
behaviors; and youth successfully transitioning into adulthood. 4058

(b) An interagency system to offer guidance and monitor 4059
progress toward increasing child well-being in the state and in 4060
each county; 4061

(c) An annual plan that identifies state-level agency efforts 4062
taken to ensure progress towards increasing child well-being in 4063
the state. 4064

On an annual basis, the cabinet council shall submit to the 4065
governor and the general assembly a report on the status of 4066
efforts to increase child well-being in the state. This report 4067
shall be made available to any other person on request. 4068

(B)(1) Each board of county commissioners shall establish a 4069
county family and children first council. The board may invite any 4070
local public or private agency or group that funds, advocates, or 4071
provides services to children and families to have a 4072
representative become a permanent or temporary member of its 4073

county council. Each county council must include the following 4074
individuals: 4075

(a) At least three individuals who are not employed by an 4076
agency represented on the council and whose families are or have 4077
received services from an agency represented on the council or 4078
another county's council. Where possible, the number of members 4079
representing families shall be equal to twenty per cent of the 4080
council's membership. 4081

(b) The director of the board of alcohol, drug addiction, and 4082
mental health services that serves the county, or, in the case of 4083
a county that has a board of alcohol and drug addiction services 4084
and a community mental health board, the directors of both boards. 4085
If a board of alcohol, drug addiction, and mental health services 4086
covers more than one county, the director may designate a person 4087
to participate on the county's council. 4088

(c) The health commissioner, or the commissioner's designee, 4089
of the board of health of each city and general health district in 4090
the county. If the county has two or more health districts, the 4091
health commissioner membership may be limited to the commissioners 4092
of the two districts with the largest populations. 4093

(d) The director of the county department of job and family 4094
services; 4095

(e) The executive director of the public children services 4096
agency; 4097

(f) The superintendent of the county board of developmental 4098
disabilities or, if the superintendent serves as superintendent of 4099
more than one county board of developmental disabilities, the 4100
superintendent's designee; 4101

(g) The superintendent of the city, exempted village, or 4102
local school district with the largest number of pupils residing 4103
in the county, as determined by the department of education, which 4104

shall notify each board of county commissioners of its 4105
determination at least biennially; 4106

(h) A school superintendent representing all other school 4107
districts with territory in the county, as designated at a 4108
biennial meeting of the superintendents of those districts; 4109

(i) A representative of the municipal corporation with the 4110
largest population in the county; 4111

(j) The president of the board of county commissioners or an 4112
individual designated by the board; 4113

(k) A representative of the ~~regional office of the~~ department 4114
of youth services or an individual designated by the department; 4115

(l) A representative of the county's head start agencies, as 4116
defined in section 3301.32 of the Revised Code; 4117

(m) A representative of the county's early intervention 4118
collaborative established pursuant to the federal early 4119
intervention program operated under the "Individuals with 4120
Disabilities Education Act of 2004"; 4121

(n) A representative of a local nonprofit entity that funds, 4122
advocates, or provides services to children and families. 4123

Notwithstanding any other provision of law, the public 4124
members of a county council are not prohibited from serving on the 4125
council and making decisions regarding the duties of the council, 4126
including those involving the funding of joint projects and those 4127
outlined in the county's service coordination mechanism 4128
implemented pursuant to division (C) of this section. 4129

The cabinet council shall establish a state appeals process 4130
to resolve disputes among the members of a county council 4131
concerning whether reasonable responsibilities as members are 4132
being shared. The appeals process may be accessed only by a 4133
majority vote of the council members who are required to serve on 4134

the council. Upon appeal, the cabinet council may order that state 4135
funds for services to children and families be redirected to a 4136
county's board of county commissioners. 4137

The county's juvenile court judge senior in service or 4138
another judge of the juvenile court designated by the 4139
administrative judge or, where there is no administrative judge, 4140
by the judge senior in service shall serve as the judicial advisor 4141
to the county family and children first council. The judge may 4142
advise the county council on the court's utilization of resources, 4143
services, or programs provided by the entities represented by the 4144
members of the county council and how those resources, services, 4145
or programs assist the court in its administration of justice. 4146
Service of a judge as a judicial advisor pursuant to this section 4147
is a judicial function. 4148

(2) The purpose of the county council is to streamline and 4149
coordinate existing government services for families seeking 4150
services for their children. In seeking to fulfill its purpose, a 4151
county council shall provide for the following: 4152

(a) Referrals to the cabinet council of those children for 4153
whom the county council cannot provide adequate services; 4154

(b) Development and implementation of a process that annually 4155
evaluates and prioritizes services, fills service gaps where 4156
possible, and invents new approaches to achieve better results for 4157
families and children; 4158

(c) Participation in the development of a countywide, 4159
comprehensive, coordinated, multi-disciplinary, interagency system 4160
for infants and toddlers with developmental disabilities or delays 4161
and their families, as established pursuant to federal grants 4162
received and administered by the department of health for early 4163
intervention services under the "Individuals with Disabilities 4164
Education Act of 2004"; 4165

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;	4166 4167 4168
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	4169 4170 4171
(3) A county council shall develop and implement the following:	4172 4173
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	4174 4175 4176
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.	4177 4178 4179 4180 4181 4182 4183 4184
(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.	4185 4186
On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.	4187 4188 4189 4190 4191
(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to	4192 4193 4194 4195 4196

those rules or agreements. 4197

(b) On application of a county council, the cabinet council 4198
may grant an exemption from any rules or interagency agreements of 4199
a state department participating on the council if an exemption is 4200
necessary for the council to implement an alternative program or 4201
approach for service delivery to families and children. The 4202
application shall describe the proposed program or approach and 4203
specify the rules or interagency agreements from which an 4204
exemption is necessary. The cabinet council shall approve or 4205
disapprove the application in accordance with standards and 4206
procedures it shall adopt. If an application is approved, the 4207
exemption is effective only while the program or approach is being 4208
implemented, including a reasonable period during which the 4209
program or approach is being evaluated for effectiveness. 4210

(5)(a) Each county council shall designate an administrative 4211
agent for the council from among the following public entities: 4212
the board of alcohol, drug addiction, and mental health services, 4213
including a board of alcohol and drug addiction or a community 4214
mental health board if the county is served by separate boards; 4215
the board of county commissioners; any board of health of the 4216
county's city and general health districts; the county department 4217
of job and family services; the county agency responsible for the 4218
administration of children services pursuant to section 5153.15 of 4219
the Revised Code; the county board of developmental disabilities; 4220
any of the county's boards of education or governing boards of 4221
educational service centers; or the county's juvenile court. Any 4222
of the foregoing public entities, other than the board of county 4223
commissioners, may decline to serve as the council's 4224
administrative agent. 4225

A county council's administrative agent shall serve as the 4226
council's appointing authority for any employees of the council. 4227
The council shall file an annual budget with its administrative 4228

agent, with copies filed with the county auditor and with the 4229
board of county commissioners, unless the board is serving as the 4230
council's administrative agent. The council's administrative agent 4231
shall ensure that all expenditures are handled in accordance with 4232
policies, procedures, and activities prescribed by state 4233
departments in rules or interagency agreements that are applicable 4234
to the council's functions. 4235

The administrative agent of a county council shall send 4236
notice of a member's absence if a member listed in division (B)(1) 4237
of this section has been absent from either three consecutive 4238
meetings of the county council or a county council subcommittee, 4239
or from one-quarter of such meetings in a calendar year, whichever 4240
is less. The notice shall be sent to the board of county 4241
commissioners that establishes the county council and, for the 4242
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4243
section, to the governing board overseeing the respective entity; 4244
for the member listed in division (B)(1)(f) of this section, to 4245
the county board of developmental disabilities that employs the 4246
superintendent; for a member listed in division (B)(1)(g) or (h) 4247
of this section, to the school board that employs the 4248
superintendent; for the member listed in division (B)(1)(i) of 4249
this section, to the mayor of the municipal corporation; for the 4250
member listed in division (B)(1)(k) of this section, to the 4251
director of youth services; and for the member listed in division 4252
(B)(1)(n) of this section, to that member's board of trustees. 4253

The administrative agent for a county council may do any of 4254
the following on behalf of the council: 4255

(i) Enter into agreements or administer contracts with public 4256
or private entities to fulfill specific council business. Such 4257
agreements and contracts are exempt from the competitive bidding 4258
requirements of section 307.86 of the Revised Code if they have 4259
been approved by the county council and they are for the purchase 4260

of family and child welfare or child protection services or other 4261
social or job and family services for families and children. The 4262
approval of the county council is not required to exempt 4263
agreements or contracts entered into under section 5139.34, 4264
5139.41, or 5139.43 of the Revised Code from the competitive 4265
bidding requirements of section 307.86 of the Revised Code. 4266

(ii) As determined by the council, provide financial 4267
stipends, reimbursements, or both, to family representatives for 4268
expenses related to council activity; 4269

(iii) Receive by gift, grant, devise, or bequest any moneys, 4270
lands, or other property for the purposes for which the council is 4271
established. The agent shall hold, apply, and dispose of the 4272
moneys, lands, or other property according to the terms of the 4273
gift, grant, devise, or bequest. Any interest or earnings shall be 4274
treated in the same manner and are subject to the same terms as 4275
the gift, grant, devise, or bequest from which it accrues. 4276

(b)(i) If the county council designates the board of county 4277
commissioners as its administrative agent, the board may, by 4278
resolution, delegate any of its powers and duties as 4279
administrative agent to an executive committee the board 4280
establishes from the membership of the county council. The board 4281
shall name to the executive committee at least the individuals 4282
described in divisions (B)(1)(b) to (h) of this section and may 4283
appoint the president of the board or another individual as the 4284
chair of the executive committee. The executive committee must 4285
include at least one family county council representative who does 4286
not have a family member employed by an agency represented on the 4287
council. 4288

(ii) The executive committee may, with the approval of the 4289
board, hire an executive director to assist the county council in 4290
administering its powers and duties. The executive director shall 4291
serve in the unclassified civil service at the pleasure of the 4292

executive committee. The executive director may, with the approval 4293
of the executive committee, hire other employees as necessary to 4294
properly conduct the county council's business. 4295

(iii) The board may require the executive committee to submit 4296
an annual budget to the board for approval and may amend or repeal 4297
the resolution that delegated to the executive committee its 4298
authority as the county council's administrative agent. 4299

(6) Two or more county councils may enter into an agreement 4300
to administer their county councils jointly by creating a regional 4301
family and children first council. A regional council possesses 4302
the same duties and authority possessed by a county council, 4303
except that the duties and authority apply regionally rather than 4304
to individual counties. Prior to entering into an agreement to 4305
create a regional council, the members of each county council to 4306
be part of the regional council shall meet to determine whether 4307
all or part of the members of each county council will serve as 4308
members of the regional council. 4309

(7) A board of county commissioners may approve a resolution 4310
by a majority vote of the board's members that requires the county 4311
council to submit a statement to the board each time the council 4312
proposes to enter into an agreement, adopt a plan, or make a 4313
decision, other than a decision pursuant to section 121.38 of the 4314
Revised Code, that requires the expenditure of funds for two or 4315
more families. The statement shall describe the proposed 4316
agreement, plan, or decision. 4317

Not later than fifteen days after the board receives the 4318
statement, it shall, by resolution approved by a majority of its 4319
members, approve or disapprove the agreement, plan, or decision. 4320
Failure of the board to pass a resolution during that time period 4321
shall be considered approval of the agreement, plan, or decision. 4322

An agreement, plan, or decision for which a statement is 4323

required to be submitted to the board shall be implemented only if 4324
it is approved by the board. 4325

(C) Each county shall develop a county service coordination 4326
mechanism. The county service coordination mechanism shall serve 4327
as the guiding document for coordination of services in the 4328
county. For children who also receive services under the help me 4329
grow program, the service coordination mechanism shall be 4330
consistent with rules adopted by the department of health under 4331
section 3701.61 of the Revised Code. All family service 4332
coordination plans shall be developed in accordance with the 4333
county service coordination mechanism. The mechanism shall be 4334
developed and approved with the participation of the county 4335
entities representing child welfare; developmental disabilities; 4336
alcohol, drug addiction, and mental health services; health; 4337
juvenile judges; education; the county family and children first 4338
council; and the county early intervention collaborative 4339
established pursuant to the federal early intervention program 4340
operated under the "Individuals with Disabilities Education Act of 4341
2004." The county shall establish an implementation schedule for 4342
the mechanism. The cabinet council may monitor the implementation 4343
and administration of each county's service coordination 4344
mechanism. 4345

Each mechanism shall include all of the following: 4346

(1) A procedure for an agency, including a juvenile court, or 4347
a family voluntarily seeking service coordination, to refer the 4348
child and family to the county council for service coordination in 4349
accordance with the mechanism; 4350

(2) A procedure ensuring that a family and all appropriate 4351
staff from involved agencies, including a representative from the 4352
appropriate school district, are notified of and invited to 4353
participate in all family service coordination plan meetings; 4354

(3) A procedure that permits a family to initiate a meeting 4355
to develop or review the family's service coordination plan and 4356
allows the family to invite a family advocate, mentor, or support 4357
person of the family's choice to participate in any such meeting; 4358

(4) A procedure for ensuring that a family service 4359
coordination plan meeting is conducted for each child who receives 4360
service coordination under the mechanism and for whom an emergency 4361
out-of-home placement has been made or for whom a nonemergency 4362
out-of-home placement is being considered. The meeting shall be 4363
conducted within ten days of an emergency out-of-home placement. 4364
The meeting shall be conducted before a nonemergency out-of-home 4365
placement. The family service coordination plan shall outline how 4366
the county council members will jointly pay for services, where 4367
applicable, and provide services in the least restrictive 4368
environment. 4369

(5) A procedure for monitoring the progress and tracking the 4370
outcomes of each service coordination plan requested in the county 4371
including monitoring and tracking children in out-of-home 4372
placements to assure continued progress, appropriateness of 4373
placement, and continuity of care after discharge from placement 4374
with appropriate arrangements for housing, treatment, and 4375
education; 4376

(6) A procedure for protecting the confidentiality of all 4377
personal family information disclosed during service coordination 4378
meetings or contained in the comprehensive family service 4379
coordination plan; 4380

(7) A procedure for assessing the needs and strengths of any 4381
child or family that has been referred to the council for service 4382
coordination, including a child whose parent or custodian is 4383
voluntarily seeking services, and for ensuring that parents and 4384
custodians are afforded the opportunity to participate; 4385

(8) A procedure for development of a family service 4386
coordination plan described in division (D) of this section; 4387

(9) A local dispute resolution process to serve as the 4388
process that must be used first to resolve disputes among the 4389
agencies represented on the county council concerning the 4390
provision of services to children, including children who are 4391
abused, neglected, dependent, unruly, alleged unruly, or 4392
delinquent children and under the jurisdiction of the juvenile 4393
court and children whose parents or custodians are voluntarily 4394
seeking services. The local dispute resolution process shall 4395
comply with sections 121.38, 121.381, and 121.382 of the Revised 4396
Code. The local dispute resolution process shall be used to 4397
resolve disputes between a child's parents or custodians and the 4398
county council regarding service coordination. The county council 4399
shall inform the parents or custodians of their right to use the 4400
dispute resolution process. Parents or custodians shall use 4401
existing local agency grievance procedures to address disputes not 4402
involving service coordination. The dispute resolution process is 4403
in addition to and does not replace other rights or procedures 4404
that parents or custodians may have under other sections of the 4405
Revised Code. 4406

The cabinet council shall adopt rules in accordance with 4407
Chapter 119. of the Revised Code establishing an administrative 4408
review process to address problems that arise concerning the 4409
operation of a local dispute resolution process. 4410

Nothing in division (C)(4) of this section shall be 4411
interpreted as overriding or affecting decisions of a juvenile 4412
court regarding an out-of-home placement, long-term placement, or 4413
emergency out-of-home placement. 4414

(D) Each county shall develop a family service coordination 4415
plan that does all of the following: 4416

(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child	4447
and the parental responsibilities of the parents, guardian, or	4448
custodian of the child;	4449
(c) Involvement of local law enforcement agencies and	4450
officials.	4451
(2) The method to divert a child from the juvenile court	4452
system that must be included in the service coordination process	4453
may include, but is not limited to, the following:	4454
(a) The preparation of a complaint under section 2151.27 of	4455
the Revised Code alleging that the child is an unruly child and	4456
notifying the child and the parents, guardian, or custodian that	4457
the complaint has been prepared to encourage the child and the	4458
parents, guardian, or custodian to comply with other methods to	4459
divert the child from the juvenile court system;	4460
(b) Conducting a meeting with the child, the parents,	4461
guardian, or custodian, and other interested parties to determine	4462
the appropriate methods to divert the child from the juvenile	4463
court system;	4464
(c) A method to provide to the child and the child's family a	4465
short-term respite from a short-term crisis situation involving a	4466
confrontation between the child and the parents, guardian, or	4467
custodian;	4468
(d) A program to provide a mentor to the child or the	4469
parents, guardian, or custodian;	4470
(e) A program to provide parenting education to the parents,	4471
guardian, or custodian;	4472
(f) An alternative school program for children who are truant	4473
from school, repeatedly disruptive in school, or suspended or	4474
expelled from school;	4475
(g) Other appropriate measures, including, but not limited	4476

to, any alternative methods to divert a child from the juvenile 4477
court system that are identified by the Ohio family and children 4478
first cabinet council. 4479

(F) Each county may review and revise the service 4480
coordination process described in division (D) of this section 4481
based on the availability of funds under Title IV-A of the "Social 4482
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4483
or to the extent resources are available from any other federal, 4484
state, or local funds. 4485

Sec. 121.374. (A) It is the intent of this state and the 4486
general assembly that custody relinquishment for the sole purpose 4487
of gaining access to child-specific services for multi-system 4488
children and youth shall cease. 4489

(B) The Ohio family and children first council established 4490
under section 121.37 of the Revised Code shall develop a 4491
comprehensive multi-system youth action plan that does the 4492
following: 4493

(1) Defines and establishes shared responsibility between 4494
county and state child-serving systems for providing and funding 4495
multi-system youth services; 4496

(2) Provides recommendations for flexible spending at the 4497
state level within the cabinet council; 4498

(3) Defines the model and process by which the flexible 4499
spending may be accessed to pay for services for multi-system 4500
youth; 4501

(4) Identifies strategies to assist with reducing custody 4502
relinquishment for the sole purpose of gaining access to services 4503
for multi-system children and youth; 4504

(5) Implements the full final recommendations of the joint 4505
legislative committee for multi-system youth; 4506

(6) Conducts an assessment of the legal and financial conditions that contribute to custody relinquishment for the purposes of receiving child-specific services. 4507
4508
4509

(C) Not later than December 31, 2019, the cabinet council shall submit its final action plan to the general assembly. 4510
4511

Sec. 121.93. (A) An agency, ~~at reasonable intervals,~~ shall 4512
review its operations to identify principles of law or policy that 4513
have not been stated in a rule and that the agency is relying upon 4514
in conducting adjudications or other determinations of rights and 4515
liabilities or in issuing writings and other materials, such as 4516
instructions, directives, policy statements, guidelines, 4517
handbooks, manuals, advisories, notices, circulars, 4518
advertisements, forms, letters, and opinions. An agency is not 4519
required to identify principles of law or policy relied upon in 4520
issuing internal management rules as defined in section 111.15 of 4521
the Revised Code. The agency shall complete at least one of the 4522
reviews during a governor's term. ~~Within~~ 4523

Within three months after the expiration of a governor's 4524
term, the agency electronically shall transmit a report to the 4525
joint committee on agency rule review, ~~a notice stating~~ containing 4526
the following: 4527

(1) A statement that the agency has completed one or more of 4528
the reviews, specifying the exact number of reviews completed 4529
during the governor's expired term; 4530

(2) The principles of law or policies identified under this 4531
division; 4532

(3) The agency's considerations regarding the identified 4533
principles of law or policies under division (B) of this section; 4534

(4) Any principles of law or policies for which the agency 4535
determines rulemaking is indicated or for which the agency has 4536

commenced the rule-making process under division (C) of this section. 4537
4538

The joint committee on agency rule review shall make the reports available on its web site. 4539
4540

(B) The agency shall determine whether a principle of law or 4541
policy thus identified has a general and uniform operation and 4542
establishes a legal regulation or standard that would not exist in 4543
its absence. If the principle of law or policy has these 4544
characteristics, the agency shall determine whether the principle 4545
of law or policy should be supplanted by its restatement in a rule 4546
to achieve one or more of the following as they are relevant to 4547
the principle of law or policy: 4548

(1) Assert the general and uniform operation of the principle 4549
of law or policy; 4550

(2) Make the principle of law or policy more readily 4551
available to the public; 4552

(3) Make the principle of law or policy more readily 4553
available to persons who specifically are affected by the 4554
principle of law or policy; 4555

(4) Enable the principle of law or policy to be better known 4556
in advance of its application; 4557

(5) Enable greater public participation in improvement and 4558
further development of the principle of law or policy; 4559

(6) Enable greater participation by persons specifically 4560
affected by the principle of law or policy in the improvement and 4561
further development of the principle of law or policy; 4562

(7) Make the principle of law or policy more easily 4563
understandable; or 4564

(8) Make the principle of law or policy more readily 4565
available to those legally charged with monitoring or reviewing 4566

the agency's operations. 4567

If a principle of law or policy aids in the interpretation of 4568
an existing rule or statute, the agency shall consider whether the 4569
aiding effect clarifies or otherwise resolves an uncertainty in 4570
the existing rule or statute. If the principle of law or policy 4571
can be so characterized, the agency shall consider whether the 4572
principle of law or policy should be supplanted by its restatement 4573
in an interpretive rule. The agency may not presume that a 4574
principle of law or policy that aids in the interpretation of an 4575
existing rule or statute is simply a reiteration of the existing 4576
rule or statute. 4577

(C) If the agency determines, in light of the foregoing 4578
standards, that rulemaking is indicated, the agency shall commence 4579
the rule-making process as soon as it is reasonably feasible to do 4580
so, but not later than the date that is six months after the 4581
determination was made. The principle of law or policy as it is 4582
restated in a rule does not need to be wholly congruent with the 4583
supplanted principle of law or policy. The agency lawfully may 4584
improve or develop further the supplanted principle of law or 4585
policy as it is restated in a rule. 4586

The agency may continue to rely upon the principle of law or 4587
policy, but only while it is complying with the preceding 4588
paragraph. The agency may not rely upon the principle of law or 4589
policy in advising with regard to or in determining the rights or 4590
liabilities of a person if the agency fails to commence the 4591
rule-making process by the deadline specified in the preceding 4592
paragraph, or if, after commencing the rule-making process, the 4593
agency neglects or abandons the rule-making process before it is 4594
completed. 4595

(D) A principle of law or policy that is relied upon directly 4596
or by clear implication from a statute applying to the agency does 4597
not need to be supplanted by rule. 4598

Sec. 122.075. (A) As used in this section:	4599
(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.	4600 4601
(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents, and that meets American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels.	4602 4603 4604 4605 4606
(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code.	4607 4608
(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code.	4609 4610
(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume.	4611 4612
(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume.	4613 4614
(7) "Incremental cost" means either of the following:	4615
(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased;	4616 4617 4618
(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased.	4619 4620 4621
(B) For the purpose of improving the air quality in this state, the director of development services shall establish an alternative fuel transportation program under which the director may make grants and loans to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling or distribution	4622 4623 4624 4625 4626 4627

facilities and terminals, for the purchase and use of alternative 4628
fuel, to pay the cost of fleet conversion, and to pay the costs of 4629
educational and promotional materials and activities intended for 4630
prospective alternative fuel consumers, fuel marketers, and others 4631
in order to increase the availability and use of alternative fuel. 4632

(C) The director, in consultation with the director of 4633
agriculture, shall adopt rules in accordance with Chapter 119. of 4634
the Revised Code that are necessary for the administration of the 4635
alternative fuel transportation program. The rules shall establish 4636
at least all of the following: 4637

(1) An application form and procedures governing the 4638
application process for receiving funds under the program; 4639

(2) A procedure for prioritizing the award of grants and 4640
loans under the program. The procedures shall give preference to 4641
all of the following: 4642

(a) Publicly accessible refueling facilities; 4643

(b) Entities applying to the program that have secured 4644
funding from other sources, including, but not limited to, private 4645
or federal incentives; 4646

(c) Entities that have presented compelling evidence of 4647
demand in the market in which the facilities or terminals will be 4648
located; 4649

(d) Entities that have committed to utilizing purchased or 4650
installed facilities or terminals for the greatest number of 4651
years; 4652

(e) Entities that will be purchasing or installing facilities 4653
or terminals for any type of alternative fuel. 4654

(3) A requirement that the maximum incentive for the purchase 4655
and installation of an alternative fuel refueling or distribution 4656
facility or terminal be eighty per cent of the cost of the 4657

facility or terminal, except that at least twenty per cent of the 4658
total cost of the facility or terminal shall be incurred by the 4659
recipient and not compensated for by any other source; 4660

(4) A requirement that the maximum incentive for the purchase 4661
of alternative fuel be eighty per cent of the cost of the fuel or, 4662
in the case of blended biodiesel or blended gasoline, eighty per 4663
cent of the incremental cost of the blended biodiesel or blended 4664
gasoline; 4665

(5) Any other criteria, procedures, or guidelines that the 4666
director determines are necessary to administer the program, 4667
including fees, charges, interest rates, and payment schedules. 4668

(D) An applicant for a grant or loan under this section that 4669
sells motor vehicle fuel at retail shall agree that if the 4670
applicant receives funding, the applicant will report to the 4671
director the gallon or gallon equivalent amounts of alternative 4672
fuel the applicant sells at retail in this state for a period of 4673
three years after the project is completed. 4674

The director shall enter into a written confidentiality 4675
agreement with the applicant regarding the gallon or gallon 4676
equivalent amounts sold as described in this division, and upon 4677
execution of the agreement this information is not a public 4678
record. 4679

(E) There is hereby created in the state treasury the 4680
alternative fuel transportation fund. The fund shall consist of 4681
money transferred to the fund under division (B) of section 4682
125.836 and under ~~division (B)(2) of section 3706.27~~ of the 4683
Revised Code, money that is appropriated to it by the general 4684
assembly, money as may be specified by the general assembly from 4685
the advanced energy fund created by section 4928.61 of the Revised 4686
Code, and all money received from the repayment of loans made from 4687
the fund or in the event of a default on any such loan. Money in 4688

the fund shall be used to make grants and loans under the 4689
alternative fuel transportation program and by the director in the 4690
administration of that program. 4691

Sec. 122.121. (A) A local organizing committee, endorsing 4692
municipality, or endorsing county that has entered into a joinder 4693
undertaking with a site selection organization may apply to the 4694
director of development services, on a form and in the manner 4695
prescribed by the director, for a grant from the sports event 4696
grant fund created under section 122.122 of the Revised Code with 4697
respect to a game ~~that has not been held in this state by the~~ 4698
~~organization in either of the two preceding years and~~ to which 4699
either of the following applies: 4700

(1) The organization accepts competitive bids to host the 4701
game. 4702

(2) The game is a one-time centennial commemoration of the 4703
founding of a national football organization, association, or 4704
league. 4705

The amount of the grant shall be based on the projected 4706
incremental increase in the receipts from the tax imposed under 4707
section 5739.02 of the Revised Code within the market area 4708
designated under division (C) of this section, for the two-week 4709
period that ends at the end of the day after the date on which the 4710
game will be held, that is directly attributable, as determined by 4711
the director, to the preparation for and presentation of the game. 4712
The director shall determine the projected incremental increase in 4713
the tax imposed under section 5739.02 of the Revised Code by using 4714
a formula approved by the director in consultation with the tax 4715
commissioner. The application shall include an estimate of the 4716
committee's, municipality's, or county's qualifying costs under 4717
the game support contract. The local organizing committee, 4718
endorsing municipality, or endorsing county is eligible to receive 4719

a grant under this section only if the projected incremental 4720
increase in receipts from the tax imposed under section 5739.02 of 4721
the Revised Code, as determined by the director, exceeds two 4722
hundred fifty thousand dollars. The amount of the grant ~~shall be~~ 4723
shall be not less than fifty per cent of the projected incremental 4724
increase in receipts, as determined by the director, but shall not 4725
exceed the lesser of two million dollars or the amount of the 4726
committee's, municipality's, or county's qualifying costs under 4727
the game support contract. The director shall disburse the grant 4728
to the local organizing committee, endorsing municipality, or 4729
endorsing county from the sports event grant fund. 4730

(B) If the director of development services approves an 4731
application for a local organizing committee, endorsing 4732
municipality, or endorsing county and that local organizing 4733
committee, endorsing municipality, or endorsing county enters into 4734
a joinder agreement with a site selection organization, the local 4735
organizing committee, endorsing municipality, or endorsing county 4736
shall file a copy of the joinder agreement with the director. The 4737
grant shall be used exclusively by the local organizing committee, 4738
endorsing municipality, or endorsing county to pay its qualifying 4739
costs under the game support contract. 4740

(C) For the purposes of division (A) of this section, the 4741
director of development services, in consultation with the tax 4742
commissioner, shall designate the market area for a game. The 4743
market area shall consist of the combined statistical area, as 4744
defined by the United States office of management and budget, in 4745
which an endorsing municipality or endorsing county is located. 4746

(D) A local organizing committee, endorsing municipality, or 4747
endorsing county shall provide information required by the 4748
director of development services and tax commissioner to enable 4749
the director and commissioner to fulfill their duties under this 4750
section, including annual audited statements of any financial 4751

records required by a site selection organization; data obtained 4752
by the local organizing committee, endorsing municipality, or 4753
endorsing county relating to attendance at a game and to the 4754
economic impact of the game; and financial records from the 4755
committee, municipality, or county verifying its qualifying costs 4756
under the game support contract. A local organizing committee, an 4757
endorsing municipality, or an endorsing county shall provide an 4758
annual audited financial statement if so required by the director 4759
and commissioner, not later than the end of the fourth month after 4760
the date the period covered by the financial statement ends. 4761

(E) Within thirty days after the game, the local organizing 4762
committee, endorsing municipality, or endorsing county shall 4763
certify to the director of development services a statement of its 4764
qualifying costs under the game support contract and a report 4765
about the economic impact of the game. The certification shall be 4766
in the form and substance required by the director, including, but 4767
not limited to, a final income statement for the event showing 4768
total revenue and expenditures and revenue and expenditures in the 4769
market area for the game, and ticket sales for the game and any 4770
related activities for which admission was charged. The director 4771
shall determine, based on the reported information and the 4772
exercise of reasonable judgment, the incremental increase in 4773
receipts from the tax imposed under section 5739.02 of the Revised 4774
Code directly attributable to the game and the committee's, 4775
municipality's, or county's qualifying costs under the game 4776
support contract. If the actual incremental increase in sales tax 4777
receipts is less than the projected incremental increase in such 4778
receipts, or if the actual qualifying costs are less than the 4779
estimated qualifying costs, the director may require the local 4780
organizing committee, endorsing municipality, or endorsing county 4781
to refund to the state all or a portion of the grant. Any refund 4782
remitted under this division shall be credited to the sports event 4783
grant fund. 4784

(F) No disbursement may be made under this section if the 4785
director of development services determines that it would be used 4786
for the purpose of soliciting the relocation of a professional 4787
sports franchise located in this state. 4788

(G) This section may not be construed as creating or 4789
requiring a state guarantee of obligations imposed on an endorsing 4790
municipality or endorsing county under a game support contract or 4791
any other agreement relating to hosting one or more games in this 4792
state. 4793

Sec. 122.171. (A) As used in this section: 4794

(1) "Capital investment project" means a plan of investment 4795
at a project site for the acquisition, construction, renovation, 4796
or repair of buildings, machinery, or equipment, or for 4797
capitalized costs of basic research and new product development 4798
determined in accordance with generally accepted accounting 4799
principles, but does not include any of the following: 4800

(a) Payments made for the acquisition of personal property 4801
through operating leases; 4802

(b) Project costs paid before January 1, 2002; 4803

(c) Payments made to a related member as defined in section 4804
5733.042 of the Revised Code or to a consolidated elected taxpayer 4805
or a combined taxpayer as defined in section 5751.01 of the 4806
Revised Code. 4807

(2) "Eligible business" means a taxpayer and its related 4808
members with Ohio operations ~~satisfying all of the following that~~ 4809
had a capital investment project reviewed and approved by the tax 4810
credit authority as provided in divisions (C), (D), and (E) of 4811
this section and that satisfies either of the following 4812
requirements: 4813

(a) ~~The~~ If engaged at the project site primarily in 4814

significant corporate administrative functions, as defined by the 4815
director of development services by rule, the taxpayer meets both 4816
of the following criteria: 4817

(i) The taxpayer either is located in a foreign trade zone, 4818
employs at least five hundred full-time equivalent employees, or 4819
has an annual Ohio employee payroll of at least thirty-five 4820
million dollars at the time the tax credit authority grants the 4821
tax credit under this section; 4822

~~(b) (ii) The taxpayer makes or causes to be made payments for~~ 4823
~~the capital investment project of one of the following:~~ 4824

~~(i) If the taxpayer is engaged at the project site primarily~~ 4825
~~as a manufacturer, at least fifty million dollars in the aggregate~~ 4826
~~at the project site during a period of three consecutive calendar~~ 4827
~~years, including the calendar year that includes a day of the~~ 4828
~~taxpayer's taxable year or tax period with respect to which the~~ 4829
~~credit is granted;~~ 4830

~~(ii) If the taxpayer is engaged at the project site primarily~~ 4831
~~in significant corporate administrative functions, as defined by~~ 4832
~~the director of development services by rule, at least twenty~~ 4833
million dollars in the aggregate at the project site during a 4834
period of three consecutive calendar years including the calendar 4835
year that includes a day of the taxpayer's taxable year or tax 4836
period with respect to which the credit is granted. 4837

~~(c) The taxpayer had a capital investment project reviewed~~ 4838
~~and approved by the tax credit authority as provided in divisions~~ 4839
~~(C), (D), and (E) of this section.~~ 4840

(b) If engaged at the project site primarily as a 4841
manufacturer, the taxpayer makes or causes to be made payments for 4842
the capital investment project at the project site during a period 4843
of three consecutive calendar years, including the calendar year 4844
that includes a day of the taxpayer's taxable year or tax period 4845

with respect to which the credit is granted, in an amount that in 4846
the aggregate equals or exceeds the lesser of the following: 4847

(i) Fifty million dollars; 4848

(ii) Five per cent of the net book value of all tangible 4849
personal property used at the project site as of the last day of 4850
the three-year period in which the capital investment payments are 4851
made. 4852

(3) "Full-time equivalent employees" means the quotient 4853
obtained by dividing the total number of hours for which employees 4854
were compensated for employment in the project by two thousand 4855
eighty. "Full-time equivalent employees" shall exclude hours that 4856
are counted for a credit under section 122.17 of the Revised Code. 4857

(4) "Ohio employee payroll" has the same meaning as in 4858
section 122.17 of the Revised Code. 4859

(5) "Manufacturer" has the same meaning as in section 4860
5739.011 of the Revised Code. 4861

(6) "Project site" means an integrated complex of facilities 4862
in this state, as specified by the tax credit authority under this 4863
section, within a fifteen-mile radius where a taxpayer is 4864
primarily operating as an eligible business. 4865

(7) "Related member" has the same meaning as in section 4866
5733.042 of the Revised Code as that section existed on the 4867
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4868
general assembly, September 29, 1997. 4869

(8) "Taxable year" includes, in the case of a domestic or 4870
foreign insurance company, the calendar year ending on the 4871
thirty-first day of December preceding the day the superintendent 4872
of insurance is required to certify to the treasurer of state 4873
under section 5725.20 or 5729.05 of the Revised Code the amount of 4874
taxes due from insurance companies. 4875

(9) "Foreign trade zone" means a general purpose foreign trade zone or a special purpose subzone for which, pursuant to 19 U.S.C. 81a, as amended, a permit for foreign trade zone status has been granted and remains active, including special purpose subzones for which a permit has been granted and remains active.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, and the recommendation and determination of the director of development services under division (C) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code.

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent employees and the value of the capital investment project. The credit amount may not be based on the Ohio employee payroll for a calendar year before the calendar year in which the tax credit authority specifies the

tax credit is to begin, and the credit shall be claimed only for 4908
the taxable years or tax periods specified in the eligible 4909
business' agreement with the tax credit authority. In no event 4910
shall the credit be claimed for a taxable year or tax period 4911
terminating before the date specified in the agreement. 4912

If a credit allowed under this section for a taxable year or 4913
tax period exceeds the taxpayer's tax liability for that year or 4914
period, the excess may be carried forward for the three succeeding 4915
taxable or calendar years, but the amount of any excess credit 4916
allowed in any taxable year or tax period shall be deducted from 4917
the balance carried forward to the succeeding year or period. 4918

(C) A taxpayer that proposes a capital investment project to 4919
retain jobs in this state may apply to the tax credit authority to 4920
enter into an agreement for a tax credit under this section. The 4921
director of development services shall prescribe the form of the 4922
application. After receipt of an application, the authority shall 4923
forward copies of the application to the director of budget and 4924
management, the tax commissioner, and the superintendent of 4925
insurance in the case of an insurance company, each of whom shall 4926
review the application to determine the economic impact the 4927
proposed project would have on the state and the affected 4928
political subdivisions and shall submit a summary of their 4929
determinations to the authority. The authority shall also forward 4930
a copy of the application to the director of development services, 4931
who shall review the application to determine the economic impact 4932
the proposed project would have on the state and the affected 4933
political subdivisions and shall submit a summary of the 4934
director's determinations and recommendations to the authority. 4935

(D) Upon review and consideration of the determinations and 4936
recommendations described in division (C) of this section, the tax 4937
credit authority may enter into an agreement with the taxpayer for 4938
a credit under this section if the authority determines all of the 4939

following: 4940

(1) The taxpayer's capital investment project will result in 4941
the retention of employment in this state. 4942

(2) The taxpayer is economically sound and has the ability to 4943
complete the proposed capital investment project. 4944

(3) The taxpayer intends to and has the ability to maintain 4945
operations at the project site for at least the greater of (a) the 4946
term of the credit plus three years, or (b) seven years. 4947

(4) Receiving the credit is a major factor in the taxpayer's 4948
decision to begin, continue with, or complete the project. 4949

(E) An agreement under this section shall include all of the 4950
following: 4951

(1) A detailed description of the project that is the subject 4952
of the agreement, including the amount of the investment, the 4953
period over which the investment has been or is being made, the 4954
number of full-time equivalent employees at the project site, and 4955
the anticipated Ohio employee payroll to be generated. 4956

(2) The term of the credit, the percentage of the tax credit, 4957
the maximum annual value of tax credits that may be allowed each 4958
year, and the first year for which the credit may be claimed. 4959

(3) A requirement that the taxpayer maintain operations at 4960
the project site for at least the greater of (a) the term of the 4961
credit plus three years, or (b) seven years. 4962

(4) A (a) If the taxpayer is engaged at the project site 4963
primarily in significant corporate administrative functions, a 4964
requirement that the taxpayer either retain at least five hundred 4965
full-time equivalent employees at the project site and within this 4966
state for the entire term of the credit, ~~or a requirement that the~~ 4967
~~taxpayer~~ maintain an annual Ohio employee payroll of at least 4968
thirty-five million dollars for the entire term of the credit, or 4969

remain located in a foreign trade zone for the entire term of the 4970
credit; 4971

(b) If the taxpayer is engaged at the project site primarily 4972
as a manufacturer, a requirement that the taxpayer maintain at 4973
least the number of full-time equivalent employees specified in 4974
the agreement pursuant to division (E)(1) of this section at the 4975
project site and within this state for the entire term of the 4976
credit. 4977

(5) A requirement that the taxpayer annually report to the 4978
director of development services full-time equivalent employees, 4979
Ohio employee payroll, capital investment, and other information 4980
the director needs to perform the director's duties under this 4981
section. 4982

(6) A requirement that the director of development services 4983
annually review the annual reports of the taxpayer to verify the 4984
information reported under division (E)(5) of this section and 4985
compliance with the agreement. Upon verification, the director 4986
shall issue a certificate to the taxpayer stating that the 4987
information has been verified and identifying the amount of the 4988
credit for the taxable year or calendar year that includes the tax 4989
period. In determining the number of full-time equivalent 4990
employees, no position shall be counted that is filled by an 4991
employee who is included in the calculation of a tax credit under 4992
section 122.17 of the Revised Code. 4993

(7) A provision providing that the taxpayer may not relocate 4994
a substantial number of employment positions from elsewhere in 4995
this state to the project site unless the director of development 4996
services determines that the taxpayer notified the legislative 4997
authority of the county, township, or municipal corporation from 4998
which the employment positions would be relocated. 4999

For purposes of this section, the movement of an employment 5000

position from one political subdivision to another political 5001
subdivision shall be considered a relocation of an employment 5002
position unless the movement is confined to the project site. The 5003
transfer of an employment position from one political subdivision 5004
to another political subdivision shall not be considered a 5005
relocation of an employment position if the employment position in 5006
the first political subdivision is replaced by another employment 5007
position. 5008

(8) A waiver by the taxpayer of any limitations periods 5009
relating to assessments or adjustments resulting from the 5010
taxpayer's failure to comply with the agreement. 5011

(F) If a taxpayer fails to meet or comply with any condition 5012
or requirement set forth in a tax credit agreement, the tax credit 5013
authority may amend the agreement to reduce the percentage or term 5014
of the credit. The reduction of the percentage or term may take 5015
effect in the current taxable or calendar year. 5016

(G) Financial statements and other information submitted to 5017
the department of development services or the tax credit authority 5018
by an applicant for or recipient of a tax credit under this 5019
section, and any information taken for any purpose from such 5020
statements or information, are not public records subject to 5021
section 149.43 of the Revised Code. However, the chairperson of 5022
the authority may make use of the statements and other information 5023
for purposes of issuing public reports or in connection with court 5024
proceedings concerning tax credit agreements under this section. 5025
Upon the request of the tax commissioner, or the superintendent of 5026
insurance in the case of an insurance company, the chairperson of 5027
the authority shall provide to the commissioner or superintendent 5028
any statement or other information submitted by an applicant for 5029
or recipient of a tax credit in connection with the credit. The 5030
commissioner or superintendent shall preserve the confidentiality 5031
of the statement or other information. 5032

(H) A taxpayer claiming a tax credit under this section shall 5033
submit to the tax commissioner or, in the case of an insurance 5034
company, to the superintendent of insurance, a copy of the 5035
director of development services' certificate of verification 5036
under division (E)(6) of this section with the taxpayer's tax 5037
report or return for the taxable year or for the calendar year 5038
that includes the tax period. Failure to submit a copy of the 5039
certificate with the report or return does not invalidate a claim 5040
for a credit if the taxpayer submits a copy of the certificate to 5041
the commissioner or superintendent within the time prescribed by 5042
section 5703.0510 of the Revised Code or within thirty days after 5043
the commissioner or superintendent requests it. 5044

(I) For the purposes of this section, a taxpayer may include 5045
a partnership, a corporation that has made an election under 5046
subchapter S of chapter one of subtitle A of the Internal Revenue 5047
Code, or any other business entity through which income flows as a 5048
distributive share to its owners. A partnership, S-corporation, or 5049
other such business entity may elect to pass the credit received 5050
under this section through to the persons to whom the income or 5051
profit of the partnership, S-corporation, or other entity is 5052
distributed. The election shall be made on the annual report 5053
required under division (E)(5) of this section. The election 5054
applies to and is irrevocable for the credit for which the report 5055
is submitted. If the election is made, the credit shall be 5056
apportioned among those persons in the same proportions as those 5057
in which the income or profit is distributed. 5058

(J)(1) If the director of development services determines 5059
that a taxpayer that received a certificate under division (E)(6) 5060
of this section is not complying with the requirements of the 5061
agreement, the director shall notify the tax credit authority of 5062
the noncompliance. After receiving such a notice, and after giving 5063
the taxpayer an opportunity to explain the noncompliance, the 5064

authority may terminate the agreement and require the taxpayer, or
any related member or members that claimed the tax credit under
division (N) of this section, to refund to the state all or a
portion of the credit claimed in previous years, as follows:

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

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

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

(b) If the taxpayer fails to substantially ~~maintain both the
number of full-time equivalent employees and the amount of Ohio
employee payroll,~~ satisfy the employment, payroll, or location
requirements required under the agreement, as prescribed under
division (E)(4)(a) or (b), as applicable to the taxpayer, at any
time during the term of the agreement or during the post-term
reporting period, an amount determined at the discretion of the
authority.

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

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

to this state, the authority shall consider the effect of market 5096
conditions on the taxpayer's project and whether the taxpayer 5097
continues to maintain other operations in this state. After making 5098
the determination, the authority shall certify the amount to be 5099
refunded to the tax commissioner or the superintendent of 5100
insurance. If the taxpayer, or any related member or members who 5101
claimed the tax credit under division (N) of this section, is not 5102
an insurance company, the commissioner shall make an assessment 5103
for that amount against the taxpayer under Chapter 5726., 5733., 5104
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 5105
any related member or members that claimed the tax credit under 5106
division (N) of this section, is an insurance company, the 5107
superintendent of insurance shall make an assessment under section 5108
5725.222 or 5729.102 of the Revised Code. The time limitations on 5109
assessments under those chapters and sections do not apply to an 5110
assessment under this division, but the commissioner or 5111
superintendent shall make the assessment within one year after the 5112
date the authority certifies to the commissioner or superintendent 5113
the amount to be refunded. 5114

(K) The director of development services, after consultation 5115
with the tax commissioner and the superintendent of insurance and 5116
in accordance with Chapter 119. of the Revised Code, shall adopt 5117
rules necessary to implement this section. The rules may provide 5118
for recipients of tax credits under this section to be charged 5119
fees to cover administrative costs of the tax credit program. The 5120
fees collected shall be credited to the tax incentives operating 5121
fund created in section 122.174 of the Revised Code. At the time 5122
the director gives public notice under division (A) of section 5123
119.03 of the Revised Code of the adoption of the rules, the 5124
director shall submit copies of the proposed rules to the 5125
chairpersons of the standing committees on economic development in 5126
the senate and the house of representatives. 5127

(L) On or before the first day of August of each year, the 5128
director of development services shall submit a report to the 5129
governor, the president of the senate, and the speaker of the 5130
house of representatives on the tax credit program under this 5131
section. The report shall include information on the number of 5132
agreements that were entered into under this section during the 5133
preceding calendar year, a description of the project that is the 5134
subject of each such agreement, and an update on the status of 5135
projects under agreements entered into before the preceding 5136
calendar year. 5137

(M) The aggregate amount of nonrefundable tax credits issued 5138
under this section during any calendar year for capital investment 5139
projects reviewed and approved by the tax credit authority may not 5140
exceed the following amounts: 5141

(1) For 2010, thirteen million dollars; 5142

(2) For 2011 through 2023, the amount of the limit for the 5143
preceding calendar year plus thirteen million dollars; 5144

(3) For 2024 and each year thereafter, one hundred 5145
ninety-five million dollars. 5146

The limitations in division (M) of this section do not apply 5147
to credits for capital investment projects approved by the tax 5148
credit authority before July 1, 2009. 5149

(N) This division applies only to an eligible business that 5150
is part of an affiliated group that includes a diversified savings 5151
and loan holding company or a grandfathered unitary savings and 5152
loan holding company, as those terms are defined in section 5153
5726.01 of the Revised Code. Notwithstanding any contrary 5154
provision of the agreement between such an eligible business and 5155
the tax credit authority, any credit granted under this section 5156
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5157
5747.02, or 5751.02 of the Revised Code to the eligible business, 5158

at the election of the eligible business and without any action by 5159
the tax credit authority, may be shared with any member or members 5160
of the affiliated group that includes the eligible business, which 5161
member or members may claim the credit against the taxes imposed 5162
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5163
of the Revised Code. Credits shall be claimed by the eligible 5164
business in sequential order, as applicable, first claiming the 5165
credits to the fullest extent possible against the tax that the 5166
certificate holder is subject to, then against the tax imposed by, 5167
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5168
lastly 5726.02 of the Revised Code. The credits may be allocated 5169
among the members of the affiliated group in such manner as the 5170
eligible business elects, but subject to the sequential order 5171
required under this division. This division applies to credits 5172
granted before, on, or after March 27, 2013, the effective date of 5173
H.B. 510 of the 129th general assembly. Credits granted before 5174
that effective date that are shared and allocated under this 5175
division may be claimed in those calendar years in which the 5176
remaining taxable years specified in the agreement end. 5177

As used in this division, "affiliated group" means a group of 5178
two or more persons with fifty per cent or greater of the value of 5179
each person's ownership interests owned or controlled directly, 5180
indirectly, or constructively through related interests by common 5181
owners during all or any portion of the taxable year, and the 5182
common owners. "Affiliated group" includes, but is not limited to, 5183
any person eligible to be included in a consolidated elected 5184
taxpayer group under section 5751.011 of the Revised Code or a 5185
combined taxpayer group under section 5751.012 of the Revised 5186
Code. 5187

(O)(1) As used in division (O) of this section: 5188

(a) "Eligible agreement" means an agreement approved by the 5189
tax credit authority under this section on or before December 31, 5190

2013. 5191

(b) "Reporting period" means a period corresponding to the 5192
annual report required under division (E)(5) of this section. 5193

(c) "Income tax revenue" has the same meaning as under 5194
division (S) of section 122.17 of the Revised Code. 5195

(2) In calendar year 2016 and thereafter, the tax credit 5196
authority shall annually determine a withholding adjustment factor 5197
to be used in the computation of income tax revenue for eligible 5198
agreements. The withholding adjustment factor shall be a numerical 5199
percentage that equals the percentage that employer income tax 5200
withholding rates have been increased or decreased as a result of 5201
changes in the income tax rates prescribed by section 5747.02 of 5202
the Revised Code by amendment of that section taking effect on or 5203
after June 29, 2013. 5204

(3) Except as provided in division (O)(4) of this section, 5205
for reporting periods ending in 2015 and thereafter for taxpayers 5206
subject to eligible agreements, the tax credit authority shall 5207
adjust the income tax revenue reported on the taxpayer's annual 5208
report by multiplying the withholding adjustment factor by the 5209
taxpayer's income tax revenue and doing one of the following: 5210

(a) If the income tax rates prescribed by section 5747.02 of 5211
the Revised Code have decreased by amendment of this section 5212
taking effect on or after June 29, 2013, add the product to the 5213
taxpayer's income tax revenue. 5214

(b) If the income tax rates prescribed by section 5747.02 of 5215
the Revised Code have increased by amendment of this section 5216
taking effect on or after June 29, 2013, subtract the product from 5217
the taxpayer's income tax revenue. 5218

(4) Division (O)(3) of this section shall not apply unless 5219
all of the following apply with respect to the eligible agreement: 5220

(a) ~~The~~ If applicable, the taxpayer has achieved one hundred 5221
per cent of the job retention commitment identified in the 5222
agreement. 5223

(b) If applicable, the taxpayer has achieved one hundred per 5224
cent of the payroll retention commitment identified in the 5225
agreement." 5226

(c) If applicable, the taxpayer has achieved one hundred per 5227
cent of the investment commitment identified in the agreement. 5228

(5) Failure by a taxpayer to have achieved any of the 5229
applicable commitments described in divisions (0)(4)(a) to (c) of 5230
this section in a reporting period does not disqualify the 5231
taxpayer for the adjustment under division (0) of this section for 5232
an ensuing reporting period. 5233

Sec. 122.175. (A) As used in this section: 5234

(1) "Capital investment project" means a plan of investment 5235
at a project site for the acquisition, construction, renovation, 5236
expansion, replacement, or repair of a computer data center or of 5237
computer data center equipment, but does not include any of the 5238
following: 5239

(a) Project costs paid before a date determined by the tax 5240
credit authority for each capital investment project; 5241

(b) Payments made to a related member as defined in section 5242
5733.042 of the Revised Code or to a consolidated elected taxpayer 5243
or a combined taxpayer as defined in section 5751.01 of the 5244
Revised Code. 5245

(2) "Computer data center" means a facility used or to be 5246
used primarily to house computer data center equipment used or to 5247
be used in conducting one or more computer data center businesses, 5248
as determined by the tax credit authority. 5249

(3) "Computer data center business" means, as may be further 5250

determined by the tax credit authority, a business that provides 5251
electronic information services as defined in division (Y)(1)(c) 5252
of section 5739.01 of the Revised Code, or that leases a facility 5253
to one or more such businesses. "Computer data center business" 5254
does not include providing electronic publishing as defined in 5255
~~division (LLL) of~~ that section. 5256

(4) "Computer data center equipment" means tangible personal 5257
property used or to be used for any of the following: 5258

(a) To conduct a computer data center business, including 5259
equipment cooling systems to manage the performance of computer 5260
data center equipment; 5261

(b) To generate, transform, transmit, distribute, or manage 5262
electricity necessary to operate the tangible personal property 5263
used or to be used in conducting a computer data center business; 5264

(c) As building and construction materials sold to 5265
construction contractors for incorporation into a computer data 5266
center. 5267

(5) "Eligible computer data center" means a computer data 5268
center that satisfies all of the following requirements: 5269

(a) One or more taxpayers operating a computer data center 5270
business at the project site will, in the aggregate, make payments 5271
for a capital investment project of at least one hundred million 5272
dollars at the project site during one of the following cumulative 5273
periods: 5274

(i) For projects beginning in 2013, six consecutive calendar 5275
years; 5276

(ii) For projects beginning in 2014, four consecutive 5277
calendar years; 5278

(iii) For projects beginning in or after 2015, three 5279
consecutive calendar years. 5280

(b) One or more taxpayers operating a computer data center 5281
business at the project site will, in the aggregate, pay annual 5282
compensation that is subject to the withholding obligation imposed 5283
under section 5747.06 of the Revised Code of at least one million 5284
five hundred thousand dollars to employees employed at the project 5285
site for each year of the agreement beginning on or after the 5286
first day of the twenty-fifth month after the agreement was 5287
entered into under this section. 5288

(6) "Person" has the same meaning as in section 5701.01 of 5289
the Revised Code. 5290

(7) "Project site," "related member," and "tax credit 5291
authority" have the same meanings as in sections 122.17 and 5292
122.171 of the Revised Code. 5293

(8) "Taxpayer" means any person subject to the taxes imposed 5294
under Chapters 5739. and 5741. of the Revised Code. 5295

(B) The tax credit authority may completely or partially 5296
exempt from the taxes levied under Chapters 5739. and 5741. of the 5297
Revised Code the sale, storage, use, or other consumption of 5298
computer data center equipment used or to be used at an eligible 5299
computer data center. Any such exemption shall extend to charges 5300
for the delivery, installation, or repair of the computer data 5301
center equipment subject to the exemption under this section. 5302

(C) A taxpayer that proposes a capital improvement project 5303
for an eligible computer data center in this state may apply to 5304
the tax credit authority to enter into an agreement under this 5305
section authorizing a complete or partial exemption from the taxes 5306
imposed under Chapters 5739. and 5741. of the Revised Code on 5307
computer data center equipment purchased by the applicant or any 5308
other taxpayer that operates a computer data center business at 5309
the project site and used or to be used at the eligible computer 5310
data center. The director of development services shall prescribe 5311

the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management and the tax commissioner, each of whom shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and any affected political subdivisions and submit to the authority a summary of their determinations. The authority shall also forward a copy of the application to the director of development services who shall review the application to determine the economic impact that the proposed eligible computer data center would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority.

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

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

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

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

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

applicant's decision to begin, continue with, or complete the 5343
capital investment project. 5344

(E) An agreement entered into under this section shall 5345
include all of the following: 5346

(1) A detailed description of the capital investment project 5347
that is the subject of the agreement, including the amount of the 5348
investment, the period over which the investment has been or is 5349
being made, the annual compensation to be paid by each taxpayer 5350
subject to the agreement to its employees at the project site, and 5351
the anticipated amount of income taxes to be withheld from 5352
employee compensation pursuant to section 5747.06 of the Revised 5353
Code. 5354

(2) The percentage of the exemption from the taxes imposed 5355
under Chapters 5739. and 5741. of the Revised Code for the 5356
computer data center equipment used or to be used at the eligible 5357
computer data center, the length of time the computer data center 5358
equipment will be exempted, and the first date on which the 5359
exemption applies. 5360

(3) A requirement that the computer data center remain an 5361
eligible computer data center during the term of the agreement and 5362
that the applicant maintain operations at the eligible computer 5363
data center during that term. An applicant does not violate the 5364
requirement described in division (E)(3) of this section if the 5365
applicant ceases operations at the eligible computer data center 5366
during the term of the agreement but resumes those operations 5367
within eighteen months after the date of cessation. The agreement 5368
shall provide that, in such a case, the applicant and any other 5369
taxpayer that operates a computer data center business at the 5370
project site shall not claim the tax exemption authorized in the 5371
agreement for any purchase of computer data center equipment made 5372
during the period in which the applicant did not maintain 5373
operations at the eligible computer data center. 5374

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

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

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

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

movement is confined to the project site. The transfer of an 5407
employment position from one political subdivision to another 5408
political subdivision shall not be considered a relocation of an 5409
employment position if the employment position in the first 5410
political subdivision is replaced by another employment position. 5411

(8) A waiver by each taxpayer subject to the agreement of any 5412
limitations periods relating to assessments or adjustments 5413
resulting from the taxpayer's failure to comply with the 5414
agreement. 5415

(F) The term of an agreement under this section shall be 5416
determined by the tax credit authority, and the amount of the 5417
exemption shall not exceed one hundred per cent of such taxes that 5418
would otherwise be owed in respect to the exempted computer data 5419
center equipment. 5420

(G) If any taxpayer subject to an agreement under this 5421
section fails to meet or comply with any condition or requirement 5422
set forth in the agreement, the tax credit authority may amend the 5423
agreement to reduce the percentage of the exemption or term during 5424
which the exemption applies to the computer data center equipment 5425
used or to be used by the noncompliant taxpayer at an eligible 5426
computer data center. The reduction of the percentage or term may 5427
take effect in the current calendar year. 5428

(H) Financial statements and other information submitted to 5429
the department of development services or the tax credit authority 5430
by an applicant for or recipient of an exemption under this 5431
section, and any information taken for any purpose from such 5432
statements or information, are not public records subject to 5433
section 149.43 of the Revised Code. However, the chairperson of 5434
the authority may make use of the statements and other information 5435
for purposes of issuing public reports or in connection with court 5436
proceedings concerning tax exemption agreements under this 5437
section. Upon the request of the tax commissioner, the chairperson 5438

of the authority shall provide to the tax commissioner any 5439
statement or other information submitted by an applicant for or 5440
recipient of an exemption under this section. The tax commissioner 5441
shall preserve the confidentiality of the statement or other 5442
information. 5443

(I) The tax commissioner shall issue a direct payment permit 5444
under section 5739.031 of the Revised Code to each taxpayer 5445
subject to an agreement under this section. Such direct payment 5446
permit shall authorize the taxpayer to pay any sales and use taxes 5447
due on purchases of computer data center equipment used or to be 5448
used in an eligible computer data center and to pay any sales and 5449
use taxes due on purchases of tangible personal property or 5450
taxable services other than computer data center equipment used or 5451
to be used in an eligible computer data center directly to the tax 5452
commissioner. Each such taxpayer shall pay pursuant to such direct 5453
payment permit all sales tax levied on such purchases under 5454
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5455
Code and all use tax levied on such purchases under sections 5456
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5457
consistent with the terms of the agreement entered into under this 5458
section. 5459

During the term of an agreement under this section each 5460
taxpayer subject to the agreement shall submit to the tax 5461
commissioner a return that shows the amount of computer data 5462
center equipment purchased for use at the eligible computer data 5463
center, the amount of tangible personal property and taxable 5464
services other than computer data center equipment purchased for 5465
use at the eligible computer data center, the amount of tax under 5466
Chapter 5739. or 5741. of the Revised Code that would be due in 5467
the absence of the agreement under this section, the exemption 5468
percentage for computer data center equipment specified in the 5469
agreement, and the amount of tax due under Chapter 5739. or 5741. 5470

of the Revised Code as a result of the agreement under this 5471
section. Each such taxpayer shall pay the tax shown on the return 5472
to be due in the manner and at the times as may be further 5473
prescribed by the tax commissioner. Each such taxpayer shall 5474
include a copy of the director of development services' 5475
certificate of verification issued under division (E)(6) of this 5476
section. Failure to submit a copy of the certificate with the 5477
return does not invalidate the claim for exemption if the taxpayer 5478
submits a copy of the certificate to the tax commissioner within 5479
the time prescribed by section 5703.0510 of the Revised Code. 5480

(J) If the director of development services determines that 5481
one or more taxpayers received an exemption from taxes due on the 5482
purchase of computer data center equipment purchased for use at a 5483
computer data center that no longer complies with the requirement 5484
under division (E)(3) of this section, the director shall notify 5485
the tax credit authority and, if applicable, the taxpayer that 5486
applied to enter the agreement for the exemption under division 5487
(C) of this section of the noncompliance. After receiving such a 5488
notice, and after giving each taxpayer subject to the agreement an 5489
opportunity to explain the noncompliance, the authority may 5490
terminate the agreement and require each such taxpayer to pay to 5491
the state all or a portion of the taxes that would have been owed 5492
in regards to the exempt equipment in previous years, all as 5493
determined under rules adopted pursuant to division (K) of this 5494
section. In determining the portion of the taxes that would have 5495
been owed on the previously exempted equipment to be paid to this 5496
state by a taxpayer, the authority shall consider the effect of 5497
market conditions on the eligible computer data center, whether 5498
the taxpayer continues to maintain other operations in this state, 5499
and, with respect to agreements involving multiple taxpayers, the 5500
taxpayer's level of responsibility for the noncompliance. After 5501
making the determination, the authority shall certify to the tax 5502
commissioner the amount to be paid by each taxpayer subject to the 5503

agreement. The tax commissioner shall make an assessment for that 5504
amount against each such taxpayer under Chapter 5739. or 5741. of 5505
the Revised Code. The time limitations on assessments under those 5506
chapters do not apply to an assessment under this division, but 5507
the tax commissioner shall make the assessment within one year 5508
after the date the authority certifies to the tax commissioner the 5509
amount to be paid by the taxpayer. 5510

(K) The director of development services, after consultation 5511
with the tax commissioner and in accordance with Chapter 119. of 5512
the Revised Code, shall adopt rules necessary to implement this 5513
section. The rules may provide for recipients of tax exemptions 5514
under this section to be charged fees to cover administrative 5515
costs incurred in the administration of this section. The fees 5516
collected shall be credited to the tax incentives operating fund 5517
created in section 122.174 of the Revised Code. At the time the 5518
director gives public notice under division (A) of section 119.03 5519
of the Revised Code of the adoption of the rules, the director 5520
shall submit copies of the proposed rules to the chairpersons of 5521
the standing committees on economic development in the senate and 5522
the house of representatives. 5523

(L) On or before the first day of August of each year, the 5524
director of development services shall submit a report to the 5525
governor, the president of the senate, and the speaker of the 5526
house of representatives on the tax exemption authorized under 5527
this section. The report shall include information on the number 5528
of agreements that were entered into under this section during the 5529
preceding calendar year, a description of the eligible computer 5530
data center that is the subject of each such agreement, and an 5531
update on the status of eligible computer data centers under 5532
agreements entered into before the preceding calendar year. 5533

(M) A taxpayer may be made a party to an existing agreement 5534
entered into under this section by the tax credit authority and 5535

another taxpayer or group of taxpayers. In such a case, the 5536
taxpayer shall be entitled to all benefits and bound by all 5537
obligations contained in the agreement and all requirements 5538
described in this section. When an agreement includes multiple 5539
taxpayers, each taxpayer shall be entitled to a direct payment 5540
permit as authorized in division (I) of this section. 5541

Sec. 122.178. (A) As used in this section, "microcredential" 5542
means an industry-recognized credential or certificate that an 5543
applicant may complete in not more than one year and that is 5544
approved by the chancellor of higher education. 5545

(B) There is hereby created the TechCred program to reimburse 5546
eligible employers from appropriations made for that purpose for 5547
training costs for incumbent or prospective employees to earn a 5548
microcredential. The development services agency, in consultation 5549
with the governor's office of workforce transformation and the 5550
department of higher education, shall develop the program. 5551

(C)(1) An employer shall meet all of the following 5552
requirements to be eligible to participate in the program: 5553

(a) Be registered to do business in this state; 5554

(b) Be current on all tax obligations to the state; 5555

(c) Be in compliance with all environmental regulations 5556
applicable to the employer. 5557

(2) An eligible employer may only apply for reimbursement for 5558
training costs for incumbent or prospective employees who are 5559
residents of this state. 5560

(D)(1) Each employer seeking reimbursement for training costs 5561
for an incumbent or prospective employee shall submit an 5562
application to the director of development services that includes 5563
all of the following information for each employee: 5564

(a) The employee's position at the time of submitting the 5565

application or the position for which the employee will be 5566
qualified after earning the microcredential; 5567

(b) The training provider from which the employee will 5568
receive or received the microcredential; 5569

(c) The cost that will be incurred by the employer for the 5570
training. 5571

(2) Before receiving reimbursement for an approved 5572
application, the employer shall submit both of the following to 5573
the director: 5574

(a) Evidence that the employee earned a microcredential; 5575

(b) If the employee at the time of receiving the training was 5576
a prospective employee, evidence that the employer hired the 5577
employee for a position located in this state. 5578

(3) The director shall approve applications for reimbursement 5579
based on the priority guidelines established in division (E)(2) of 5580
this section. An employer shall receive at least five hundred 5581
dollars but not more than two thousand dollars for each 5582
microcredential an employee receives. 5583

(E) The director may do all of the following regarding the 5584
operation of the program: 5585

(1) Create a reimbursement application; 5586

(2) Establish guidelines for prioritizing approval for 5587
applications for reimbursement, including the efficiency of a wage 5588
increase for an incumbent employee or expected wage for a 5589
prospective employee; 5590

(3) Establish additional requirements for employers to be 5591
eligible for a reimbursement under this section; 5592

(4) Create an internet web site with the application for and 5593
information regarding the program created in this section and the 5594
grant program created in section 122.179 of the Revised Code. 5595

(F) The director, in consultation with the chancellor, may 5596
adopt rules in accordance with Chapter 119. of the Revised Code as 5597
the director considers necessary to administer the program, 5598
including designating eligible training providers for purposes of 5599
this section. 5600

Sec. 122.179. (A) As used in this section: 5601

(1) "Industry sector partnership" means a collaborative 5602
relationship between two or more employers and two or more of the 5603
following: 5604

(a) A school district; 5605

(b) A state institution of higher education; 5606

(c) An Ohio technical center; 5607

(d) An education service center; 5608

(e) An OhioMeansJobs training center; 5609

(f) A nonprofit organization specializing in workforce 5610
training; 5611

(g) Any other organization the director approves. 5612

(2) "Ohio technical center" has the same meaning as in 5613
section 3333.94 of the Revised Code. 5614

(3) "State institution of higher education" has the same 5615
meaning as in section 3345.011 of the Revised Code. 5616

(B) The director of development services, in consultation 5617
with the governor's office of workforce transformation, shall 5618
develop a grant program to support regional industry sector 5619
partnerships. An industry sector partnership may use a grant 5620
awarded under this section to do any of the following: 5621

(1) Hire employees to coordinate industry sector partnership 5622
activities; 5623

(2) Develop curricula or other educational resources to 5624
support the industry sector partnership; 5625

(3) Market the industry sector partnership and opportunities 5626
the partnership creates for workforce development activities; 5627

(4) Any other activity the director has approved. 5628

(C) The director shall do both of the following: 5629

(1) Establish a system for evaluating and scoring grant 5630
applications; 5631

(2) Award a grant to an industry sector partnership that 5632
submits a complete application for funding describing the 5633
activities in division (B) of this section the partnership will 5634
use the funds to support and meets the scoring criteria 5635
established under division (C)(1) of this section. 5636

(D) The director may adopt rules in accordance with Chapter 5637
119. of the Revised Code as the director considers necessary to 5638
administer the grant program. 5639

Sec. 122.26. The rural industrial park loan fund is hereby 5640
created in the state treasury for the purposes of the program 5641
established under section 122.24 of the Revised Code. The director 5642
of development services shall deposit money received for the 5643
purposes of that section to the credit of the fund. 5644

Sec. 122.84. (A) As used in this section: 5645

(1) "Ohio qualified opportunity fund" means a qualified 5646
opportunity fund that holds one hundred per cent of its invested 5647
assets in qualified opportunity zone property situated in an Ohio 5648
opportunity zone. 5649

In the case of qualified opportunity zone property that is 5650
qualified opportunity zone stock or qualified opportunity zone 5651
partnership interest, the stock or interest is situated in an Ohio 5652

opportunity zone only if, during all of the qualified opportunity 5653
fund's holding period for such stock or interest, all of the use 5654
of the corporation's or partnership's tangible property was in an 5655
Ohio opportunity zone. In the case of qualified opportunity zone 5656
property that is qualified opportunity zone business property, the 5657
property is situated in an Ohio opportunity zone only if, during 5658
all of the fund's holding period for such property, all of the use 5659
of the property was in an Ohio opportunity zone. 5660

All terms used in division (A) of this section have the same 5661
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 5662
substituted for "substantially all" wherever "substantially all" 5663
appears in the definition of those terms or in the definition of 5664
terms used in those terms. 5665

(2) "Ohio opportunity zone" means a qualified opportunity 5666
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 5667
or after the effective date of the enactment of this section by 5668
H.B. 166 of the 133rd general assembly. 5669

(3) "Taxpayer" and "taxable year" have the same meanings as 5670
in section 5747.01 of the Revised Code. 5671

(4) "Qualifying taxable year" means a taxpayer's taxable year 5672
that includes the first day of a calendar year during which an 5673
Ohio qualified opportunity fund in which the taxpayer invests 5674
makes an investment in a project located in an Ohio opportunity 5675
zone. 5676

(B) A taxpayer that invests in one or more Ohio qualified 5677
opportunity funds may apply to the director of development 5678
services for a nonrefundable credit against the tax levied under 5679
section 5747.02 of the Revised Code. The application shall be made 5680
on forms prescribed by the director on or after the first day of 5681
January and on or before the first day of February of each year. 5682
The credit shall equal ten per cent of the amount of the 5683

taxpayer's investment in the fund that the fund invested during 5684
the preceding calendar year in projects located in Ohio 5685
opportunity zones. 5686

The taxpayer shall include the following information with the 5687
taxpayer's application: 5688

(1) The amount of the taxpayer's investment in Ohio qualified 5689
opportunity funds during the taxpayer's qualifying taxable year, 5690
arranged according to the amount invested in each such fund if the 5691
taxpayer invested in more than one such fund; 5692

(2) A statement from an employee or officer of each Ohio 5693
qualified opportunity fund identified by the taxpayer under 5694
division (B)(1) of this section certifying the amount of the 5695
taxpayer's investment in the fund and the amount of that 5696
investment the fund invested in projects located in Ohio 5697
opportunity zones during the preceding calendar year. The 5698
statement shall describe each project funded by the investment and 5699
state each project's location and the portion of the taxpayer's 5700
investment invested in each such project. Unless the fund 5701
demonstrates otherwise to the director's satisfaction, the amount 5702
of a taxpayer's investment that the fund invested in a project 5703
located in an Ohio opportunity zone equals the same proportion of 5704
the amount of the fund's investment in the project as the 5705
taxpayer's investment in the fund bears to the total investment by 5706
all investors in that fund on the date the fund makes the 5707
investment in the project. 5708

The director shall review applications in the order in which 5709
applications are received. 5710

(C)(1) Subject to division (C)(2) of this section, if the 5711
director determines that the applicant qualifies for a credit 5712
under this section, the director shall issue, within sixty days 5713
after the receipt of a complete application under division (B) of 5714

this section, a tax credit certificate to the taxpayer identified 5715
with a unique number and listing the amount of credit the director 5716
determines the taxpayer is eligible to claim. 5717

(2) The director shall not issue certificates in a total 5718
amount that would cause the tax credits claimed in any fiscal 5719
biennium to exceed fifty million dollars. The director shall not 5720
issue certificates to a single applicant in an amount that would 5721
cause the tax credits claimed in any fiscal biennium by that 5722
applicant, and any person to whom the applicant transfers the 5723
certificate under division (E) of this section, to exceed one 5724
million dollars. 5725

The director may not issue a certificate under this section 5726
on the basis of any investment for which a small business 5727
investment certificate has been issued under section 122.86 of the 5728
Revised Code. 5729

(3) The credit may be claimed for the taxpayer's qualifying 5730
taxable year or the next ensuing taxable year. The taxpayer shall 5731
claim the credit in the order prescribed by section 5747.98 of the 5732
Revised Code. Any unused amount may be carried forward for the 5733
following five taxable years. If the certificate is issued to a 5734
pass-through entity for an investment by the entity, any taxpayer 5735
that is a direct or indirect investor in the pass-through entity 5736
on the last day of the entity's qualifying taxable year may claim 5737
the taxpayer's proportionate or distributive share of the credit 5738
against the taxpayer's aggregate amount of tax levied under that 5739
section. 5740

(D) A taxpayer claiming a credit under this section shall 5741
submit a copy of the certificate with the taxpayer's return or 5742
report. 5743

(E) A taxpayer that holds an unclaimed certificate under this 5744
section may notify the tax commissioner, in writing, that the 5745

taxpayer is transferring the right to claim the credit stated on 5746
the certificate. The taxpayer shall identify in that notification 5747
the certificate's number and the name and the tax identification 5748
number of the transferee. Pursuant to division (D) of this 5749
section, the transferee may claim the credit stated on the 5750
certificate, subject to the limitations of this section. A 5751
transferee may not transfer the right to claim the credit to any 5752
other person. 5753

(F) On or before the first day of August each year, the 5754
director of development services shall submit a report to the 5755
governor, the president and minority leader of the senate, and the 5756
speaker and minority leader of the house of representatives on the 5757
tax credit program authorized under this section. The report shall 5758
include the following information: 5759

(1) The number of projects funded by investments for which a 5760
tax credit application was submitted under this section during the 5761
preceding year, the Ohio opportunity zone in which each such 5762
project is located, the number of projects funded by investments 5763
for which certificates were allocated during the preceding year, a 5764
description of each such project, and the composition of an Ohio 5765
qualified opportunity fund's investments in each project funded by 5766
investments for which a tax credit application was submitted under 5767
this section; 5768

(2) The number of taxpayers that invested in an Ohio 5769
qualified opportunity fund and applied for a tax credit based on 5770
the fund's investment in a project during the preceding year, the 5771
name of the fund in which each such investment was made, the 5772
number of taxpayers allocated a credit for such investments under 5773
this section, and the dollar amount of those credits; 5774

(3) A map that shows the location of each Ohio opportunity 5775
zone and that indicates which zones include existing or pending 5776
projects that are, or will be, funded by tax credit-eligible 5777

investments. 5778

Sec. 122.85. (A) As used in this section and in sections 5779
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5780

(1) "Tax credit-eligible production" means a motion picture 5781
or Broadway theatrical production certified by the director of 5782
development services under division (B) of this section as 5783
qualifying the ~~motion picture~~ production company for a tax credit 5784
under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised 5785
Code. 5786

(2) "Certificate owner" means a ~~motion picture~~ production 5787
company to which a tax credit certificate is issued ~~or a person to~~ 5788
~~which the company has transferred under division (H) of this~~ 5789
~~section the authority to claim all or a part of the tax credit~~ 5790
~~authorized by that certificate.~~ 5791

(3) "~~Motion picture~~ Production company" means an individual, 5792
corporation, partnership, limited liability company, or other form 5793
of business association producing a motion picture or Broadway 5794
theatrical production. 5795

(4) "Eligible ~~production~~ expenditures" means expenditures 5796
made after June 30, 2009, for goods or services purchased and 5797
consumed in this state by a ~~motion picture~~ production company 5798
directly for the production of a tax credit-eligible production or 5799
for postproduction activities, or for advertising and promotion of 5800
the production. 5801

"Eligible ~~production~~ expenditures" includes, but is not 5802
limited to, expenditures for cast and crew wages, accommodations, 5803
costs of set construction and operations, editing and related 5804
services, photography, sound synchronization, lighting, wardrobe, 5805
makeup and accessories, film processing, transfer, sound mixing, 5806
special and visual effects, music, location fees, and the purchase 5807

or rental of facilities and equipment. 5808

(5) "Motion picture" means entertainment content created in 5809
whole or in part within this state for distribution or exhibition 5810
to the general public, including, but not limited to, 5811
feature-length films; documentaries; long-form, specials, 5812
miniseries, series, and interstitial television programming; 5813
interactive web sites; sound recordings; videos; music videos; 5814
interactive television; interactive games; video games; 5815
commercials; any format of digital media; and any trailer, pilot, 5816
video teaser, or demo created primarily to stimulate the sale, 5817
marketing, promotion, or exploitation of future investment in 5818
either a product or a motion picture by any means and media in any 5819
digital media format, film, or videotape, provided the motion 5820
picture qualifies as a motion picture. "Motion picture" does not 5821
include any television program created primarily as news, weather, 5822
or financial market reports, a production featuring current events 5823
or sporting events, an awards show or other gala event, a 5824
production whose sole purpose is fundraising, a long-form 5825
production that primarily markets a product or service or in-house 5826
corporate advertising or other similar productions, a production 5827
for purposes of political advocacy, or any production for which 5828
records are required to be maintained under 18 U.S.C. 2257 with 5829
respect to sexually explicit content. 5830

(6) "Broadway theatrical production" means a prebroadway 5831
production, long run production, or tour launch that is directed, 5832
managed, and performed by a professional cast and crew and that is 5833
directly associated with New York city's Broadway theater 5834
district. 5835

(7) "Prebroadway production" means a live stage production 5836
that is scheduled for presentation in New York city's Broadway 5837
theater district after the original or adaptive version is 5838
performed in a qualified production facility. 5839

(8) "Long run production" means a live stage production that 5840
is scheduled to be performed at a qualified production facility 5841
for more than five weeks, with an average of at least six 5842
performances per week. 5843

(9) "Tour launch" means a live stage production for which the 5844
activities comprising the technical period are conducted at a 5845
qualified production facility before a tour of the original or 5846
adaptive version of the production begins. 5847

(10) "Qualified production facility" means a facility located 5848
in this state that is used in the development or presentation to 5849
the public of theater productions. 5850

(B) For the purpose of encouraging and developing a strong 5851
film ~~industry~~ and theater industries in this state, the director 5852
of development services may certify a motion picture or Broadway 5853
theatrical production produced by a ~~motion picture~~ production 5854
company as a tax credit-eligible production. In the case of a 5855
television series, the director may certify the production of each 5856
episode of the series as a separate tax credit-eligible 5857
production. A ~~motion picture~~ production company shall apply for 5858
certification of a motion picture or Broadway theatrical 5859
production as a tax credit-eligible production on a form and in 5860
the manner prescribed by the director. Each application shall 5861
include the following information: 5862

(1) The name and telephone number of the ~~motion picture~~ 5863
production company; 5864

(2) The name and telephone number of the company's contact 5865
person; 5866

(3) A list of the first preproduction date through the last 5867
production ~~date~~ and postproduction dates in Ohio and, in the case 5868
of a Broadway theatrical production, a list of each scheduled 5869
performance in a qualified production facility; 5870

(4) The Ohio production office <u>or qualified production facility</u> address and telephone number;	5871 5872
(5) The total production budget of the motion picture ;	5873
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture <u>or Broadway theatrical production</u> ;	5874 5875 5876
(7) The <u>In the case of a motion picture, the</u> total percentage of the motion picture <u>production</u> being shot in Ohio;	5877 5878
(8) The level of employment of cast and crew who reside in Ohio;	5879 5880
(9) A synopsis of the script;	5881
(10) The <u>In the case of a motion picture, the</u> shooting script;	5882 5883
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	5884 5885
(12) Documentation of financial ability to undertake and complete the motion picture <u>or Broadway theatrical production</u> , including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture ;	5886 5887 5888 5889 5890
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	5891 5892
(14) <u>Estimated amount of state and local taxes to be generated in this state from the production</u> ;	5893 5894
(15) <u>Estimated economic impact of the production in this state</u> ;	5895 5896
(16) Any other information considered necessary by the director.	5897 5898
Within ninety days after certification of a motion picture <u>or</u>	5899

broadway theatrical production as a tax credit-eligible 5900
production, and any time thereafter upon the request of the 5901
director of development services, the ~~motion picture~~ production 5902
company shall present to the director sufficient evidence of 5903
reviewable progress. If the ~~motion picture~~ production company 5904
fails to present sufficient evidence, the director may rescind the 5905
certification. If the production of a motion picture or Broadway 5906
theatrical production does not begin within ninety days after the 5907
date it is certified as a tax credit-eligible production, the 5908
director shall rescind the certification unless the director finds 5909
that the production company shows good cause for the delay, 5910
meaning that the production was delayed due to unforeseeable 5911
circumstances beyond the production company's control or due to 5912
action or inaction by a government agency. Upon rescission, the 5913
director shall notify the applicant that the certification has 5914
been rescinded. Nothing in this section prohibits an applicant 5915
whose tax credit-eligible production certification has been 5916
rescinded from submitting a subsequent application for 5917
certification. 5918

(C)(1) A ~~motion picture~~ production company whose motion 5919
picture or Broadway theatrical production has been certified as a 5920
tax credit-eligible production may apply to the director of 5921
development services on or after July 1, 2009, for a refundable 5922
credit against the tax imposed by section 5726.02, 5733.06, 5923
5747.02, or 5751.02 of the Revised Code. The director in 5924
consultation with the tax commissioner shall prescribe the form 5925
and manner of the application and the information or documentation 5926
required to be submitted with the application. 5927

The credit is determined as follows: 5928

(a) If the total budgeted eligible ~~production~~ expenditures 5929
stated in the application submitted under division (B) of this 5930
section or the actual eligible ~~production~~ expenditures as finally 5931

determined under division (D) of this section, whichever is least, 5932
is less than or equal to three hundred thousand dollars, no credit 5933
is allowed; 5934

(b) If the total budgeted eligible ~~production~~ expenditures 5935
stated in the application submitted under division (B) of this 5936
section or the actual eligible ~~production~~ expenditures as finally 5937
determined under division (D) of this section, whichever is least, 5938
is greater than three hundred thousand dollars, the credit equals 5939
thirty per cent of the least of such budgeted or actual eligible 5940
expenditure amounts. 5941

(2) Except as provided in division (C)(4) of this section, if 5942
the director of development services approves a ~~motion picture~~ 5943
production company's application for a credit, the director shall 5944
issue a tax credit certificate to the company. The director in 5945
consultation with the tax commissioner shall prescribe the form 5946
and manner of issuing certificates. The director shall assign a 5947
unique identifying number to each tax credit certificate and shall 5948
record the certificate in a register devised and maintained by the 5949
director for that purpose. The certificate shall state the amount 5950
of the eligible ~~production~~ expenditures on which the credit is 5951
based and the amount of the credit. Upon the issuance of a 5952
certificate, the director shall certify to the tax commissioner 5953
the name of the applicant, the amount of eligible ~~production~~ 5954
expenditures shown on the certificate, the amount of the credit, 5955
and any other information required by the rules adopted to 5956
administer this section. 5957

(3) The amount of eligible ~~production~~ expenditures for which 5958
a tax credit may be claimed is subject to inspection and 5959
examination by the tax commissioner or employees of the 5960
commissioner under section 5703.19 of the Revised Code and any 5961
other applicable law. Once the eligible ~~production~~ expenditures 5962
are finally determined under section 5703.19 of the Revised Code 5963

and division (D) of this section, the credit amount is not subject 5964
to adjustment unless the director determines an error was 5965
committed in the computation of the credit amount. 5966

(4) No tax credit certificate may be issued before the 5967
completion of the tax credit-eligible production. Not more than 5968
forty million dollars of tax credit may be allowed per fiscal year 5969
~~beginning July 1, 2016,~~ provided that, for any fiscal year in 5970
which the amount of tax credits allowed under this section is less 5971
than that maximum annual amount, the amount not allowed for that 5972
fiscal year shall be added to the maximum annual amount that may 5973
be allowed for the following fiscal year. 5974

(5) ~~In approving~~ The director shall review and approve 5975
applications for tax credits under this section in two rounds each 5976
fiscal year. The first round of credits shall be awarded not later 5977
than the last day of July of the fiscal year, and the second round 5978
of credits shall be awarded not later than the last day of the 5979
ensuing January. The amount of credits awarded in the first round 5980
of applications each fiscal year shall not exceed twenty million 5981
dollars plus any credit allotment that was not awarded in the 5982
preceding fiscal year and carried over under division (C)(4) of 5983
this section. For each round, the director shall rank applications 5984
on the basis of the extent of positive economic impact each tax 5985
credit-eligible production is likely to have in this state and the 5986
effect on developing a permanent workforce in motion picture or 5987
theatrical production industries in the state. For the purpose of 5988
such ranking, the director shall give priority to tax-credit 5989
eligible productions that are television series or miniseries due 5990
to the long-term commitment typically associated with such 5991
productions. The economic impact ranking shall be based on the 5992
production company's total expenditures in this state directly 5993
associated with the tax credit-eligible production. The effect on 5994
developing a permanent workforce in the motion picture or 5995

theatrical production industries shall be evaluated first by the 5996
number of new jobs created and second by amount of payroll added 5997
with respect to employees in this state. 5998

The director shall approve productions in the order of their 5999
ranking, from those with the greatest positive economic impact and 6000
workforce development effect to those with the least positive 6001
economic impact and workforce development effect. 6002

(D) A ~~motion picture~~ production company whose motion picture 6003
or Broadway theatrical production has been certified as a tax 6004
credit-eligible production shall engage, at the company's expense, 6005
an independent certified public accountant to examine the 6006
company's production, postproduction, and advertising and 6007
promotion expenditures to identify the expenditures that qualify 6008
as eligible ~~production~~ expenditures. The certified public 6009
accountant shall issue a report to the company and to the director 6010
of development services certifying the company's eligible 6011
~~production~~ expenditures and any other information required by the 6012
director. Upon receiving and examining the report, the director 6013
may disallow any expenditure the director determines is not an 6014
eligible ~~production~~ expenditure. If the director disallows an 6015
expenditure, the director shall issue a written notice to the 6016
~~motion picture~~ production company stating that the expenditure is 6017
disallowed and the reason for the disallowance. Upon examination 6018
of the report and disallowance of any expenditures, the director 6019
shall determine finally the lesser of the total budgeted eligible 6020
~~production~~ expenditures stated in the application submitted under 6021
division (B) of this section or the actual eligible ~~production~~ 6022
expenditures for the purpose of computing the amount of the 6023
credit. 6024

(E) No credit shall be allowed under section 5726.55, 6025
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6026
director has reviewed the report and made the determination 6027

prescribed by division (D) of this section. 6028

(F) This state reserves the right to refuse the use of this 6029
state's name in the credits of any tax credit-eligible motion 6030
picture production or program of any Broadway theatrical 6031
production. 6032

(G)(1) The director of development services in consultation 6033
with the tax commissioner shall adopt rules for the administration 6034
of this section, including rules setting forth and governing the 6035
criteria for determining whether a motion picture or Broadway 6036
theatrical production is a tax credit-eligible production; 6037
activities that constitute the production or postproduction of a 6038
motion picture or Broadway theatrical production; reporting 6039
sufficient evidence of reviewable progress; expenditures that 6040
qualify as eligible ~~production~~ expenditures; a schedule and 6041
deadlines for applications to be submitted and reviewed; a 6042
competitive process for approving credits based on likely economic 6043
impact in this state and development of a permanent workforce in 6044
motion picture or theatrical production industries in this state; 6045
consideration of geographic distribution of credits; and 6046
implementation of the program described in division ~~(I)~~(H) of this 6047
section. The rules shall be adopted under Chapter 119. of the 6048
Revised Code. 6049

(2) To cover the administrative costs of the program, the 6050
director shall require each applicant to pay an application fee 6051
equal to the lesser of ten thousand dollars or one per cent of the 6052
estimated value of the tax credit as stated in the application. 6053
The fees collected shall be credited to the tax incentives 6054
operating fund created in section 122.174 of the Revised Code. All 6055
grants, gifts, fees, and contributions made to the director for 6056
marketing and promotion of the motion picture industry within this 6057
state shall also be credited to the fund. 6058

~~(H)(1) After the director of development services makes the~~ 6059

~~determination required under division (D) of this section, a 6060
motion picture company to which a tax credit certificate is issued 6061
may transfer the authority to claim all or a portion of the amount 6062
of the tax credit the motion picture company is authorized to 6063
claim pursuant to that certificate under section 5726.55, 5733.59, 6064
5747.66, or 5751.54 of the Revised Code to one or more other 6065
persons. Within thirty days after a transfer under this division, 6066
the motion picture company shall submit the following information 6067
to the director, on a form prescribed by the director: 6068~~

~~(a) Information necessary for the director to identify the 6069
certificate that is the basis for the transfer; 6070~~

~~(b) The portion or amount of the tax credit transferred to 6071
each transferee; 6072~~

~~(c) The portion or amount of the tax credit that the motion 6073
picture company retains the authority to claim; 6074~~

~~(d) The tax identification number of each transferee; 6075~~

~~(e) The date of the transfer; 6076~~

~~(f) Any other information required by the director; 6077~~

~~(g) Any information required by the tax commissioner. 6078~~

~~The director shall deliver a copy of any submission received 6079
under division (H)(1) of this section to the tax commissioner. 6080~~

~~(2) A transferee may not claim a credit under section 6081
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 6082
and until the transferring motion picture company complies with 6083
division (H)(1) of this section. A transferee may claim the 6084
transferred amount of any credit or portion of a credit for the 6085
same taxable year or tax period for which the transferring motion 6086
picture company was authorized to claim the credit or portion of a 6087
credit pursuant to the certificate. A motion picture company shall 6088
make no transfer under division (H)(1) of this section after the 6089~~

~~last day of the tax period or taxable year for which the motion picture company is required to claim the credit pursuant to the certificate.~~

~~A motion picture company may make not more than one transfer under division (H)(1) of this section for each tax credit certificate, but pursuant to that transaction, may allocate the authority to claim a portion of the credit to more than one transferee. A motion picture company may not authorize more than one transferee to claim the same portion of a credit.~~

~~(I)~~ The director of development services shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from ~~motion picture~~ production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each ~~motion picture~~ production company whose application was approved under division ~~(I)~~(H)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 122.86. (A) As used in this section and section 5747.81 6120
of the Revised Code: 6121

(1) "Small business enterprise" means a corporation, 6122
pass-through entity, or other person satisfying all of the 6123
following: 6124

(a) At the time of a qualifying investment, the enterprise 6125
meets all of the following requirements: 6126

(i) Has no outstanding tax or other liabilities owed to the 6127
state; 6128

(ii) Is in good standing with the secretary of state, if the 6129
enterprise is required to be registered with the secretary; 6130

(iii) Is current with any court-ordered payments; 6131

(iv) Is not engaged in any illegal activity. 6132

(b) At the time of a qualifying investment, the enterprise's 6133
assets according to generally accepted accounting principles do 6134
not exceed fifty million dollars, or its annual sales do not 6135
exceed ten million dollars. When making this determination, the 6136
assets and annual sales of all of the enterprise's related or 6137
affiliated entities shall be included in the calculation. 6138

(c) ~~The~~ At the time of a qualifying investment and for the 6139
two-year period immediately preceding the qualifying investment, 6140
the enterprise employs at least fifty full-time equivalent 6141
employees in this state for whom the enterprise is required to 6142
withhold income tax under section 5747.06 of the Revised Code, or 6143
more than one-half the enterprise's total number of full-time 6144
equivalent employees employed anywhere in the United States are 6145
employed in this state and are subject to that withholding 6146
requirement. 6147

(d) The enterprise, within six months after an eligible 6148
investor's qualifying investment is made, ~~invests in or~~ incurs 6149

cost for one or more of the following ~~in an amount at least equal~~ 6150
~~to the amount of the qualifying investment:~~ 6151

(i) Tangible personal property, other than motor vehicles 6152
operated on public roads and highways, used in business and 6153
physically located in this state from the time of its acquisition 6154
by the enterprise until the end of the investor's holding period, 6155
including the installation of such tangible personal property; 6156

(ii) Motor vehicles operated on public roads and highways if, 6157
from the time of acquisition by the enterprise until the end of 6158
the investor's holding period, the motor vehicles are purchased in 6159
this state, registered in this state under Chapter 4503. of the 6160
Revised Code, are used primarily for business purposes, and are 6161
necessary for the operation of the enterprise's business; 6162

(iii) Real property located in this state that is used in the 6163
business from the time of its acquisition by the enterprise until 6164
the end of the holding period; 6165

(iv) ~~Intangible personal property, including patents,~~ 6166
~~copyrights, trademarks, service marks, or licenses used in~~ 6167
~~business primarily in this state from the time of its acquisition~~ 6168
~~by the enterprise until the end of the holding period~~ Leasehold 6169
improvements and construction costs for property located in this 6170
state that is used in the business from the time its improvement 6171
or construction was completed until the end of the holding period; 6172

(v) Compensation for new employees of the enterprise hired 6173
after the date the qualifying investment is made for whom the 6174
enterprise is required to withhold income tax under section 6175
5747.06 of the Revised Code, ~~not including increased compensation~~ 6176
~~for owners, officers, or managers of the enterprise. For this~~ 6177
~~purpose compensation for new employees includes compensation for~~ 6178
~~newly hired or retained employees.~~ 6179

(2) "Qualifying investment" means an investment of money made 6180

on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 6181
equity interest in a small business enterprise. "Qualifying 6182
investment" does not include either of the following: 6183

(a) Any investment of money an eligible investor derives, 6184
directly or indirectly, from a grant or loan from the federal 6185
government or the state or a political subdivision, including the 6186
third frontier program under Chapter 184. of the Revised Code; 6187

(b) Any investment of money which is the basis of a tax 6188
credit granted under any other section of the Revised Code. 6189

(3) "Eligible investor" means an individual, estate, or trust 6190
subject to the tax imposed by section 5747.02 of the Revised Code, 6191
or a pass-through entity in which such an individual, estate, or 6192
trust holds a direct or indirect ownership or other equity 6193
interest. To qualify as an eligible investor, the individual, 6194
estate, trust, or pass-through entity shall not owe any 6195
outstanding tax or other liability to the state at the time of a 6196
qualifying investment. 6197

(4) "Holding period" means the two-year period beginning on 6198
the day a qualifying investment is made. 6199

(5) "Pass-through entity" has the same meaning as in section 6200
5733.04 of the Revised Code. 6201

(B) ~~Any~~ An eligible investor that makes a qualifying 6202
investment in a small business enterprise on or after July 1, ~~2011~~ 6203
2019, may apply to the director of development services to obtain 6204
an allocation for a small business investment certificate from the 6205
director. Alternatively, a small business enterprise may apply on 6206
behalf of eligible investors to obtain the ~~certificates~~ allocation 6207
for those investors. The application must be submitted to the 6208
director within sixty days after the date of the qualifying 6209
investment, but within the same biennium as the qualifying 6210
investment. The director, in consultation with the tax 6211

commissioner, shall prescribe the form or manner in which an 6212
applicant shall apply for the certificate, devise the form of the 6213
certificate, and prescribe any records or other information an 6214
applicant shall furnish with the application to evidence the 6215
qualifying investment. ~~The applicant shall state the amount of the~~ 6216
~~intended investment.~~ The applicant shall pay an application fee 6217
equal to the greater of one-tenth of one per cent of the amount of 6218
the intended investment or one hundred dollars. 6219

~~A small business investment certificate entitles the 6220
certificate holder to receive a tax credit under section 5747.81 6221
of the Revised Code if the certificate holder qualifies for the 6222
credit as otherwise provided in this section. If the certificate 6223
holder is a pass through entity, the certificate entitles the 6224
entity's equity owners to receive their distributive or 6225
proportionate shares of the credit. In any fiscal biennium, an 6226
eligible investor may not apply for small business investment 6227
certificates representing intended investment amounts in excess of 6228
ten million dollars. Such certificates are not transferable. 6229~~

The director of development services may reserve small 6230
business investment ~~certificates~~ allocations to qualifying 6231
applicants in the order in which the director receives 6232
applications, ~~but may issue the certificates as the applications~~ 6233
~~are completed.~~ An application is completed when the director has 6234
validated that an eligible investor has made a qualified 6235
investment and receives all required documentation needed to 6236
demonstrate the small business enterprise ~~has made the appropriate~~ 6237
~~reinvestment of the qualified investment pursuant to~~ satisfies the 6238
requirements of division (A)(1)(~~d~~) of this section. To qualify for 6239
a ~~certificate~~ an allocation, an eligible investor must satisfy 6240
both of the following, subject to the limitation on the amount of 6241
qualifying investments for which ~~certificates~~ allocations may be 6242
issued under division (C) of this section: 6243

(1) The eligible investor makes a qualifying investment on or after July 1, ~~2011~~ 2019. 6244
6245

(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period. 6246
6247
6248

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment ~~certificates~~ allocations may be issued for a fiscal biennium shall not exceed ten million dollars. 6249
6250
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(2) The director of development services shall not issue a small business investment ~~certificate~~ allocation to an eligible investor representing an amount of qualifying investment in excess of the amount of the ~~intended~~ investment indicated on the investor's application ~~for the certificate~~. 6253
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(3) ~~The~~ For any fiscal biennium beginning before July 1, 2019, the director of development services shall not issue small business investment ~~certificates~~ allocations in a total amount that would cause the tax credits claimed in ~~any fiscal~~ that biennium to exceed one hundred million dollars. For any fiscal biennium beginning on or after July 1, 2019, the director shall not issue small business investment allocations in a total amount that would cause the tax credits claimed in that biennium to exceed fifty million dollars. 6258
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(4) The director of development services may issue a small business investment ~~certificate~~ allocation only if both of the following apply at the time of issuance: 6267
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6269

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section; 6270
6271

(b) The eligible investor does not owe any outstanding tax or other liability to the state. 6272
6273

(5) The director shall not issue a small business investment allocation on the basis of any investment for which an Ohio opportunity zone investment certificate has been issued under section 122.84 of the Revised Code. 6274
6275
6276
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(D) Before the end of the applicable holding period of a 6278
qualifying investment, each enterprise in which a qualifying 6279
investment was made for which a small business investment 6280
~~certificate allocation~~ allocation has been issued, upon the request of the 6281
director of development services, shall provide to the director 6282
records or other evidence satisfactory to the director that the 6283
enterprise is a small business enterprise for the purposes of this 6284
section. Each enterprise shall also provide annually to the 6285
director records or evidence regarding the number of jobs created 6286
or retained in the state. ~~No credit may be claimed under this~~ 6287
~~section and section 5747.81 of the Revised Code if the director~~ 6288
~~finds that an enterprise is not a small business enterprise for~~ 6289
~~the purposes of this section.~~ The director shall compile and 6290
maintain a register of small business enterprises qualifying under 6291
this section and shall certify the register to the tax 6292
commissioner. The director shall also compile and maintain a 6293
record of the number of jobs created or retained as a result of 6294
qualifying investments made pursuant to this section. 6295

(E) After the conclusion of the applicable holding period for 6296
a qualifying investment, a person to whom a small business 6297
investment ~~certificate allocation~~ allocation has been issued under this 6298
section ~~may~~ shall receive a small business investment 6299
certification, which entitles the person to claim a credit as 6300
provided under section 5747.81 of the Revised Code. However, no 6301
certificate may be issued if the director finds that any 6302
requirement under this section is not met. 6303

(F) The director of development services, in consultation 6304
with the tax commissioner, may adopt rules for the administration 6305

of this section, including rules governing the following:	6306
(1) Documents, records, or other information eligible investors shall provide to the director;	6307 6308
(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;	6309 6310 6311
(3) Determination of the number of full-time equivalent employees of a small business enterprise;	6312 6313
(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business;	6314 6315 6316 6317 6318
(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.	6319 6320 6321
(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.	6322 6323 6324
Sec. 123.21. (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:	6325 6326 6327 6328 6329
(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative	6330 6331 6332 6333 6334 6335

appropriations or any other funds made available therefor, 6336
provided that the construction of the projects, improvements, or 6337
public buildings is a statutory duty of the commission. This 6338
section does not require the independent employment of an 6339
architect or engineer as provided by section 153.01 of the Revised 6340
Code in the cases to which section 153.01 of the Revised Code 6341
applies. This section does not affect or alter the existing powers 6342
of the director of transportation. 6343

(2) Except as otherwise provided in section 123.211 of the 6344
Revised Code, have general supervision over the construction of 6345
any projects, improvements, or public buildings constructed for a 6346
state agency and over the inspection of materials prior to their 6347
incorporation into those projects, improvements, or buildings. 6348

(3) Except as otherwise provided in section 123.211 of the 6349
Revised Code, make contracts for and supervise the design and 6350
construction of any projects and improvements or the construction 6351
and repair of buildings under the control of a state agency. All 6352
such contracts may be based in whole or in part on the unit price 6353
or maximum estimated cost, with payment computed and made upon 6354
actual quantities or units. 6355

(4) Adopt, amend, and rescind rules pertaining to the 6356
administration of the construction of the public works of the 6357
state as required by law, in accordance with Chapter 119. of the 6358
Revised Code. 6359

(5) Contract with, retain the services of, or designate, and 6360
fix the compensation of, such agents, accountants, consultants, 6361
advisers, and other independent contractors as may be necessary or 6362
desirable to carry out the programs authorized under this chapter, 6363
or authorize the executive director to perform such powers and 6364
duties. 6365

(6) Receive and accept any gifts, grants, donations, and 6366

pledges, and receipts therefrom, to be used for the programs 6367
authorized under this chapter. 6368

(7) Make and enter into all contracts, commitments, and 6369
agreements, and execute all instruments, necessary or incidental 6370
to the performance of its duties and the execution of its rights 6371
and powers under this chapter, or authorize the executive director 6372
to perform such powers and duties. 6373

(8) Debar a contractor as provided in section 153.02 of the 6374
Revised Code. 6375

(9) Enter into and administer cooperative agreements for 6376
cultural projects, as provided in sections 123.28 and 123.281 of 6377
the Revised Code. 6378

(B) The commission shall appoint and fix the compensation of 6379
an executive director who shall serve at the pleasure of the 6380
commission. The executive director shall ~~exercise all powers that~~ 6381
~~the commission possesses,~~ supervise the operations of the 6382
commission, and perform such other duties as delegated by the 6383
commission. The executive director also shall employ and fix the 6384
compensation of such employees as will facilitate the activities 6385
and purposes of the commission, who shall serve at the pleasure of 6386
the executive director. The employees of the commission are exempt 6387
from Chapter 4117. of the Revised Code and are not considered 6388
public employees as defined in section 4117.01 of the Revised 6389
Code. Any agreement entered into prior to July 1, 2012, between 6390
the office of collective bargaining and the exclusive 6391
representative for employees of the commission is binding and 6392
shall continue to have effect. 6393

(C) The attorney general shall serve as the legal 6394
representative for the commission and may appoint other counsel as 6395
necessary for that purpose in accordance with section 109.07 of 6396
the Revised Code. 6397

(D) Purchases for, and the custody and repair of, buildings 6398
under the management and control of the capitol square review and 6399
advisory board are not subject to the control and jurisdiction of 6400
the Ohio facilities construction commission. 6401

Sec. 124.82. (A) Except as provided in division (D) of this 6402
section, the department of administrative services, in 6403
consultation with the superintendent of insurance, shall, in 6404
accordance with competitive selection procedures of Chapter 125. 6405
of the Revised Code, contract with an insurance company or a 6406
health plan in combination with an insurance company, authorized 6407
to do business in this state, for the issuance of a policy or 6408
contract of health, medical, hospital, dental, vision, or surgical 6409
benefits, or any combination of those benefits, covering state 6410
employees who are paid directly by warrant of the director of 6411
budget and management, including elected state officials. The 6412
department may fulfill its obligation under this division by 6413
exercising its authority under division (A)(2) of section 124.81 6414
of the Revised Code. 6415

(B) Except as provided in division (D) of this section, the 6416
department may, in addition, in consultation with the 6417
superintendent of insurance, negotiate and contract with health 6418
insuring corporations holding a certificate of authority under 6419
Chapter 1751. of the Revised Code, in their approved service areas 6420
only, for issuance of a contract or contracts of health care 6421
services, covering state employees who are paid directly by 6422
warrant of the director of budget and management, including 6423
elected state officials. The department may enter into contracts 6424
with one or more insurance carriers or health plans to provide the 6425
same plan of benefits, provided that: 6426

(1) The employee be permitted to exercise the option as to 6427
which plan the employee will select under division (A) or (B) of 6428

this section, at a time that shall be determined by the 6429
department; 6430

(2) The health insuring corporations do not refuse to accept 6431
the employee, or the employee and the employee's family, if the 6432
employee exercises the option to select care provided by the 6433
corporations; 6434

(3) The employee may choose participation in only one of the 6435
plans sponsored by the department; 6436

(4) The director of health examines and certifies to the 6437
department that the quality and adequacy of care rendered by the 6438
health insuring corporations meet at least the standards of care 6439
provided by hospitals and physicians in that employee's community, 6440
who would be providing such care as would be covered by a contract 6441
awarded under division (A) of this section. 6442

(C) All or any portion of the cost, premium, or charge for 6443
the coverage in divisions (A) and (B) of this section may be paid 6444
in such manner or combination of manners as the department 6445
determines and may include the proration of health care costs, 6446
premiums, or charges for part-time employees. 6447

(D) Notwithstanding divisions (A) and (B) of this section, 6448
the department may provide benefits equivalent to those that may 6449
be paid under a policy or contract issued by an insurance company 6450
or a health plan pursuant to division (A) or (B) of this section. 6451

(E) This section does not prohibit the state office of 6452
collective bargaining from entering into an agreement with an 6453
employee representative for the purposes of providing fringe 6454
benefits, including, but not limited to, hospitalization, surgical 6455
care, major medical care, disability, dental care, vision care, 6456
medical care, hearing aids, prescription drugs, group life 6457
insurance, sickness and accident insurance, group legal services 6458
or other benefits, or any combination of those benefits, to 6459

employees paid directly by warrant of the director of budget and 6460
management through a jointly administered trust fund. The 6461
employer's contribution for the cost of the benefit care shall be 6462
mutually agreed to in the collectively bargained agreement. The 6463
amount, type, and structure of fringe benefits provided under this 6464
division is subject to the determination of the board of trustees 6465
of the jointly administered trust fund. Notwithstanding any other 6466
provision of the Revised Code, competitive bidding does not apply 6467
to the purchase of fringe benefits for employees under this 6468
division when those benefits are provided through a jointly 6469
administered trust fund. 6470

(F) Members of state boards or commissions may be covered by 6471
any policy, contract, or plan of benefits or services described in 6472
division (A) or (B) of this section. Board or commission members 6473
who are appointed for a fixed term and who are compensated on a 6474
per meeting basis, or paid only for expenses, or receive a 6475
combination of per diem payments and expenses shall pay the entire 6476
amount of the premiums, costs, or charges for that coverage. 6477

Sec. 124.824. (A) As used in this section, "death benefit 6478
fund recipient" means any recipient of a death benefit paid under 6479
section 742.63 of the Revised Code except a parent who receives a 6480
death benefit paid under division (E) of that section. 6481

(B)(1) Except as otherwise provided under division (B)(3) of 6482
this section, a death benefit fund recipient may elect to 6483
participate in any health, medical, hospital, dental, surgical, or 6484
vision benefit the department of administrative services contracts 6485
for under section 124.82 of the Revised Code or otherwise provides 6486
for the benefit of state employees who are paid directly by 6487
warrant of the director of budget and management. Receiving 6488
benefits under this section does not make the death benefit fund 6489
recipient a state employee. A death benefit fund recipient who 6490

elects to participate in a benefit under this section shall ~~do~~ 6491
~~both of the following:~~ 6492

~~(a) File a notice~~ file the election form developed by the 6493
director of administrative services under division (D) of this 6494
section with the department of the death benefit fund recipient's 6495
election to participate that specifies the benefits or combination 6496
of benefits in which the recipient elects to participate board of 6497
trustees of the Ohio police and fire pension fund, which serves as 6498
the trustees of the Ohio public safety officers death benefit fund 6499
pursuant to section 742.62 of the Revised Code. 6500

~~(b) Pay to the department the percentage of the premium or~~ 6501
~~cost for the applicable benefits that would be paid by a state~~ 6502
~~employee who elects that coverage.~~ The board of trustees shall 6503
forward the election form to the department after the board has 6504
approved an application for benefits under section 742.63 of the 6505
Revised Code. 6506

(2) A parent, guardian, custodian, or other person 6507
responsible for the care of a death benefit fund recipient who is 6508
under eighteen years of age or who is a surviving child entitled 6509
to extended benefits under division (H)(3) of section 742.63 of 6510
the Revised Code due to disability may file the election form 6511
required by division (B)(1) of this section on the death benefit 6512
fund recipient's behalf. 6513

(3) A death benefit fund recipient is ineligible to 6514
participate in a health, medical, hospital, dental, surgical, or 6515
vision benefit under division (B)(1) of this section if the 6516
recipient is eligible either of the following: 6517

(a) An employee paid directly by warrant of the director of 6518
budget and management who is eligible to participate in those 6519
benefits pursuant to section 124.82 of the Revised Code; 6520

(b) Eligible to enroll in the medicare program established by 6521

Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 U.S.C. 1395c, as amended. 6522
6523

(C) For each death benefit fund recipient who ~~participates~~ elects to participate in health, medical, hospital, dental, 6524
surgical, or vision benefits under division (B) of this section, 6525
the department shall ~~pay the percentage~~ notify the board of 6526
trustees of the premium or amount of the cost for the applicable 6527
benefits ~~that would be paid by a state employer for a state~~ 6528
~~employee who elects that coverage~~ that shall be withheld from 6529
benefits paid to a death benefit fund recipient under section 6530
742.63 of the Revised Code and forwarded to the department. The 6531
amount withheld from the death benefit fund recipient shall be the 6532
percentage of the cost of those benefits that would be paid by a 6533
state employee. The board of trustees shall pay the department the 6534
remaining cost of those benefits plus any applicable 6535
administrative costs from appropriations made for that purpose. 6536
6537

(D) The director of administrative services shall prescribe 6538
procedures for the administration of benefits for death benefit 6539
fund recipients under this section, including the development of 6540
required forms for death benefit fund recipients to enroll, 6541
disenroll, or re-enroll in benefits under this section. The 6542
director shall provide the required election forms developed under 6543
this division to the board of trustees and shall notify the board 6544
of trustees of a death benefit recipient's enrollment, 6545
disenrollment, or re-enrollment in benefits under this section. 6546
The director shall notify the board of trustees when the 6547
department terminates the benefits a death benefit fund recipient 6548
has elected under division (B) of this section. 6549

(E) The board of trustees ~~of the Ohio police and fire pension~~ 6550
~~fund~~ shall provide any information ~~to the department~~ that the 6551
department requires to provide benefits under this section to the 6552
department, a designated third-party administrator, or both, 6553

including information regarding the identities, ages, and family 6554
relationships of death benefit fund recipients. 6555

Sec. 125.01. As used in this chapter: 6556

(A) "Order" means a copy of a contract or a statement of the 6557
nature of a contemplated expenditure, a description of the 6558
property or supplies to be purchased or service to be performed, 6559
other than a service performed by officers and regular employees 6560
of the state, and per diem of the national guard, and the total 6561
sum of the expenditure to be made therefor, if the sum is fixed 6562
and ascertained, otherwise the estimated sum thereof, and an 6563
authorization to pay for the contemplated expenditure, signed by 6564
the person instructed and authorized to pay upon receipt of a 6565
proper invoice. 6566

(B) "Invoice" means an itemized listing showing delivery of 6567
the supplies or performance of the service described in the order, 6568
~~and the~~ including all of the following: 6569

(1) The date of the purchase or rendering of the service, ~~or~~ 6570
an 6571

(2) An itemization of the things done, material supplied, or 6572
labor furnished, ~~and the~~ 6573

(3) The sum due pursuant to the contract or obligation. 6574

(C) "Products" means materials, manufacturer's supplies, 6575
merchandise, goods, wares, and foodstuffs. 6576

(D) "Produced" means the manufacturing, processing, mining, 6577
developing, and making of a thing into a new article with a 6578
distinct character in use through the application of input, within 6579
the state, of Ohio products, labor, skill, or other services. 6580
"Produced" does not include the mere assembling or putting 6581
together of non-Ohio products or materials. 6582

(E) "Ohio products" means products that are mined, excavated, 6583

produced, manufactured, raised, or grown in the state by a person 6584
where the input of Ohio products, labor, skill, or other services 6585
constitutes no less than twenty-five per cent of the manufactured 6586
cost. With respect to mined products, such products shall be mined 6587
or excavated in this state. 6588

(F) "Purchase" means to buy, rent, lease, lease purchase, or 6589
otherwise acquire supplies or services. "Purchase" also includes 6590
all functions that pertain to the obtaining of supplies or 6591
services, including description of requirements, selection and 6592
solicitation of sources, preparation and award of contracts, all 6593
phases of contract administration, and receipt and acceptance of 6594
the supplies and services and payment for them. 6595

(G) "Services" means the furnishing of labor, time, or effort 6596
by a person, not involving the delivery of a specific end product 6597
other than a report which, if provided, is merely incidental to 6598
the required performance. "Services" does not include services 6599
furnished pursuant to employment agreements or collective 6600
bargaining agreements. 6601

(H) "Supplies" means all property, including, but not limited 6602
to, equipment, materials, other tangible assets, and insurance, 6603
but excluding real property or an interest in real property. 6604

(I) "Competitive selection" means any of the following 6605
procedures for making purchases: 6606

(1) Competitive sealed bidding under section 125.07 of the 6607
Revised Code; 6608

(2) Competitive sealed proposals under section 125.071 of the 6609
Revised Code; 6610

(3) Reverse auctions under section 125.072 of the Revised 6611
Code. 6612

Sec. 125.14. (A) The director of administrative services 6613

shall allocate any proceeds from the transfer, sale, or lease of 6614
excess and surplus supplies in the following manner: 6615

(1) Except as otherwise provided in division (A)(2) of this 6616
section, the proceeds of such a transfer, sale, or lease shall be 6617
paid into the state treasury to the credit of the investment 6618
recovery fund, which is hereby created. 6619

(2) Except as otherwise provided in division (A)(2) of this 6620
section, when supplies originally were purchased with funds from 6621
nongeneral revenue fund sources, the director shall determine what 6622
fund or account originally was used to purchase the supplies, and 6623
the credit for the proceeds from any transfer, sale, or lease of 6624
those supplies shall be transferred to that fund or account. If 6625
the director cannot determine which fund or account originally was 6626
used to purchase the supplies, if the fund or account is no longer 6627
active, or if the proceeds from the transfer, sale, or lease of a 6628
unit of supplies are less than one hundred dollars or any larger 6629
amount the director may establish with the approval of the 6630
director of budget and management, then the proceeds from the 6631
transfer, sale, or lease of such supplies shall be paid into the 6632
state treasury to the credit of the investment recovery fund. 6633

(B) The investment recovery fund shall be used to pay for the 6634
operating expenses of the state surplus property program and of 6635
the federal surplus property program described in sections 125.84 6636
to 125.90 of the Revised Code. Any amounts in excess of these 6637
operating expenses shall periodically be transferred to the 6638
general revenue fund of the state. If proceeds paid into the 6639
investment recovery fund are insufficient to pay for the program's 6640
operating expenses, a service fee may be charged to state agencies 6641
to eliminate the deficit. 6642

(C) Proceeds from the sale of recyclable goods and materials 6643
shall be paid into the state treasury to the credit of the 6644
recycled materials fund, which is hereby created, except that the 6645

director of environmental protection, upon request, may grant an 6646
exemption from this requirement. The director shall administer the 6647
fund for the benefit of recycling programs in state agencies. 6648

Sec. 125.18. (A) There is hereby established the office of 6649
information technology within the department of administrative 6650
services. The office shall be under the supervision of a state 6651
chief information officer to be appointed by the director of 6652
administrative services and subject to removal at the pleasure of 6653
the director. The chief information officer is an assistant 6654
director of administrative services. 6655

(B) Under the direction of the director of administrative 6656
services, the state chief information officer shall lead, oversee, 6657
and direct state agency activities related to information 6658
technology development and use. In that regard, the state chief 6659
information officer shall do all of the following: 6660

(1) Coordinate and superintend statewide efforts to promote 6661
common use and development of technology by state agencies. The 6662
office of information technology shall establish policies and 6663
standards that govern and direct state agency participation in 6664
statewide programs and initiatives. 6665

(2) Establish policies and standards for the acquisition and 6666
use of common information technology by state agencies, including, 6667
but not limited to, hardware, software, technology services, and 6668
security, and the extension of the service life of information 6669
technology systems, with which state agencies shall comply; 6670

(3) Establish criteria and review processes to identify state 6671
agency information technology projects or purchases that require 6672
alignment or oversight. As appropriate, the department of 6673
administrative services shall provide the governor and the 6674
director of budget and management with notice and advice regarding 6675
the appropriate allocation of resources for those projects. The 6676

state chief information officer may require state agencies to 6677
provide, and may prescribe the form and manner by which they must 6678
provide, information to fulfill the state chief information 6679
officer's alignment and oversight role; 6680

(4) Establish policies and procedures for the security of 6681
personal information that is maintained and destroyed by state 6682
agencies; 6683

(5) Employ a chief information security officer who is 6684
responsible for the implementation of the policies and procedures 6685
described in division (B)(4) of this section and for coordinating 6686
the implementation of those policies and procedures in all of the 6687
state agencies; 6688

(6) Employ a chief privacy officer who is responsible for 6689
advising state agencies when establishing policies and procedures 6690
for the security of personal information and developing education 6691
and training programs regarding the state's security procedures; 6692

(7) Establish policies on the purchasing, use, and 6693
reimbursement for use of handheld computing and telecommunications 6694
devices by state agency employees; 6695

(8) Establish policies for the reduction of printing and the 6696
use of electronic records by state agencies; 6697

(9) Establish policies for the reduction of energy 6698
consumption by state agencies; 6699

(10) Compute the amount of revenue attributable to the 6700
amortization of all equipment purchases and capitalized systems 6701
from information technology service delivery and major information 6702
technology purchases, MARCS administration, enterprise 6703
applications, and the professions licensing system operating 6704
appropriation items and major computer purchases capital 6705
appropriation items that is recovered as part of the information 6706
technology services rates the department of administrative 6707

services charges and deposits into the information technology fund 6708
created in section 125.15 of the Revised Code⁺, the user fees the 6709
department of administrative services charges and deposits in the 6710
MARCS administration fund created in section 4501.29 of the 6711
Revised Code, the rates the department of administrative services 6712
charges to benefiting agencies for the operation and management of 6713
information technology applications and deposits in the enterprise 6714
applications fund, and the rates the department of administrative 6715
services charges for the cost of ongoing maintenance of the 6716
professions licensing system and deposits in the professions 6717
licensing system fund. The enterprise applications fund is hereby 6718
created in the state treasury. 6719

(11) Regularly review and make recommendations regarding 6720
improving the infrastructure of the state's cybersecurity 6721
operations with existing resources and through partnerships 6722
between government, business, and institutions of higher 6723
education; 6724

(12) Assist, as needed, with general state efforts to grow 6725
the cybersecurity industry in this state. 6726

(C)(1) The chief information security officer shall assist 6727
each state agency with the development of an information 6728
technology security strategic plan and review that plan, and each 6729
state agency shall submit that plan to the state chief information 6730
officer. The chief information security officer may require that 6731
each state agency update its information technology security 6732
strategic plan annually as determined by the state chief 6733
information officer. 6734

(2) Prior to the implementation of any information technology 6735
data system, a state agency shall prepare or have prepared a 6736
privacy impact statement for that system. 6737

(D) When a state agency requests a purchase of information 6738

technology supplies or services under Chapter 125. of the Revised 6739
Code, the state chief information officer may review and reject 6740
the requested purchase for noncompliance with information 6741
technology direction, plans, policies, standards, or 6742
project-alignment criteria. 6743

(E) The office of information technology may operate 6744
technology services for state agencies in accordance with this 6745
chapter. 6746

Notwithstanding any provision of the Revised Code to the 6747
contrary, the office of information technology may assess a 6748
transaction fee on each license or registration issued as part of 6749
an electronic licensing system operated by the office in an amount 6750
determined by the office not to exceed three dollars and fifty 6751
cents. The transaction fee shall apply to all transactions, 6752
regardless of form, that immediately precede the issuance, 6753
renewal, reinstatement, reactivation of, or other activity that 6754
results in, a license or registration to operate as a regulated 6755
professional or entity. Each license or registration is a separate 6756
transaction to which a fee under this division applies. 6757
Notwithstanding any provision of the Revised Code to the contrary, 6758
if a fee is assessed under this section, no agency, board, or 6759
commission shall issue a license or registration unless a fee 6760
required by this division has been received. The director of 6761
administrative services may collect the fee or require a state 6762
agency, board, or commission for which the system is being 6763
operated to collect the fee. Amounts received under this division 6764
shall be deposited in or transferred to the professions licensing 6765
system fund created in division (I) of this section. 6766

(F) With the approval of the director of administrative 6767
services, the office of information technology may establish 6768
cooperative agreements with federal and local government agencies 6769
and state agencies that are not under the authority of the 6770

governor for the provision of technology services and the 6771
development of technology projects. 6772

(G) The office of information technology may operate a 6773
program to make information technology purchases. The director of 6774
administrative services may recover the cost of operating the 6775
program from all participating government entities by issuing 6776
intrastate transfer voucher billings for the procured technology 6777
or through any pass-through billing method agreed to by the 6778
director of administrative services, the director of budget and 6779
management, and the participating government entities that will 6780
receive the procured technology. 6781

If the director of administrative services chooses to recover 6782
the program costs through intrastate transfer voucher billings, 6783
the participating government entities shall process the intrastate 6784
transfer vouchers to pay for the cost. Amounts received under this 6785
section for the information technology purchase program shall be 6786
deposited to the credit of the information technology governance 6787
fund created in section 125.15 of the Revised Code. 6788

(H) Upon request from the director of administrative 6789
services, the director of budget and management may transfer cash 6790
from the information technology fund created in section 125.15 of 6791
the Revised Code, the MARCS administration fund created in section 6792
4501.29 of the Revised Code, the enterprise applications fund 6793
created in division (B)(10) of this section, or the professions 6794
licensing system fund created in division (I) of this section to 6795
the major information technology purchases fund in an amount not 6796
to exceed the amount computed under division (B)(10) of this 6797
section. The major information technology purchases fund is hereby 6798
created in the state treasury. 6799

(I) There is hereby created in the state treasury the 6800
professions licensing system fund. The fund shall be used to 6801
operate the electronic licensing system referenced in division (E) 6802

of this section. 6803

(J) As used in this section: 6804

(1) "Personal information" has the same meaning as in section 6805
149.45 of the Revised Code. 6806

(2) "State agency" means every organized body, office, or 6807
agency established by the laws of the state for the exercise of 6808
any function of state government, other than any state-supported 6809
institution of higher education, the office of the auditor of 6810
state, treasurer of state, secretary of state, or attorney 6811
general, the adjutant general's department, the bureau of workers' 6812
compensation, the industrial commission, the public employees 6813
retirement system, the Ohio police and fire pension fund, the 6814
state teachers retirement system, the school employees retirement 6815
system, the state highway patrol retirement system, the general 6816
assembly or any legislative agency, the capitol square review 6817
advisory board, or the courts or any judicial agency. 6818

Sec. 125.25. (A) The director of administrative services may 6819
debar a vendor from consideration for contract awards upon a 6820
finding based upon a reasonable belief that the vendor has done 6821
any of the following: 6822

(1) Abused the selection process by repeatedly withdrawing 6823
bids or proposals before purchase orders or contracts are issued 6824
or failing to accept orders based upon firm bids; 6825

(2) Failed to substantially perform a contract according to 6826
its terms, conditions, and specifications within specified time 6827
limits; 6828

(3) Failed to cooperate in monitoring contract performance by 6829
refusing to provide information or documents required in a 6830
contract, failed to respond to complaints to the vendor, or 6831
accumulated repeated justified complaints regarding performance of 6832

a contract;	6833
(4) Attempted to influence a public employee to breach ethical conduct standards or to influence a contract award;	6834 6835
(5) Colluded to restrain competition by any means;	6836
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	6837 6838 6839 6840 6841 6842
(7) Been convicted under state or federal antitrust laws;	6843
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	6844 6845 6846
(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director;	6847 6848 6849
(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;	6850 6851 6852
(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.	6853 6854
(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the vendor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the	6855 6856 6857 6858 6859 6860 6861 6862

debarment decision without a hearing and shall notify the vendor 6863
of the decision by certified mail, return receipt requested. 6864

(C) The director shall determine the length of the debarment 6865
period and may rescind the debarment at any time upon notification 6866
to the vendor. During the period of debarment, the vendor is not 6867
eligible to participate in any state contract. After the debarment 6868
period expires, the vendor ~~shall~~ may be eligible to be awarded 6869
contracts by state agencies if the vendor is not otherwise 6870
debarred. 6871

(D) The director, through the office of procurement services, 6872
shall maintain a list of all vendors currently debarred under this 6873
section. 6874

Sec. 126.48. (A) Except as provided in division (B) of this 6875
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 6876
~~internal audit's findings and recommendations which is~~ produced by 6877
the office of internal audit in the office of budget and 6878
management and all work papers of the internal audit are 6879
confidential and are not public records under section 149.43 of 6880
the Revised Code until the final report of an internal audit's 6881
findings and recommendations is submitted to the state audit 6882
committee, the governor, and the director of the state agency 6883
involved. 6884

(B) The following are not public records under section 149.43 6885
of the Revised Code: 6886

(1) An internal audit report or work paper that meets the 6887
definition of a security record or infrastructure record under 6888
section 149.433 of the Revised Code; 6889

(2) Any information derived from a state tax return or state 6890
tax return information as permitted to be used by the office of 6891
internal audit under section 5703.21 of the Revised Code. 6892

(3) Any record or document necessary for the performance of an internal audit received by the office of internal audit under division (C) of section 126.45 of the Revised Code, that is otherwise exempt from disclosure under state or federal law. 6893
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Sec. 126.60. (A) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. All money credited or deposited in the fund shall be used for any of the following purposes: 6897
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(1) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities; 6903
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(2) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities; 6907
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(3) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, and water conservation districts; 6910
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(4) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy. 6914
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(B) Not later than August 31, 2020, and annually thereafter, the Ohio Lake Erie commission, in coordination with state agencies or boards responsible for water protection and water management, 6920
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shall do both of the following: 6923

(1) Prepare a report of the activities that were undertaken 6924
with respect to the fund during the immediately preceding fiscal 6925
year, including the revenues and expenses of the fund for the 6926
preceding fiscal year; 6927

(2) Submit the report to the general assembly and to the 6928
governor. 6929

Sec. 131.02. (A) Except as otherwise provided in section 6930
4123.37, section 5703.061, and division (K) of section 4123.511 of 6931
the Revised Code, whenever any amount is payable to the state, the 6932
officer, employee, or agent responsible for administering the law 6933
under which the amount is payable shall immediately proceed to 6934
collect the amount or cause the amount to be collected and shall 6935
pay the amount into the state treasury or into the appropriate 6936
custodial fund in the manner set forth pursuant to section 113.08 6937
of the Revised Code. Except as otherwise provided in this 6938
division, if the amount is not paid within forty-five days after 6939
payment is due, the officer, employee, or agent shall certify the 6940
amount due to the attorney general, in the form and manner 6941
prescribed by the attorney general, and notify the director of 6942
budget and management thereof. In the case of an amount payable by 6943
a student enrolled in a state institution of higher education, the 6944
amount shall be certified within the later of forty-five days 6945
after the amount is due or the tenth day after the beginning of 6946
the next academic semester, quarter, or other session following 6947
the session for which the payment is payable. The attorney general 6948
may assess the collection cost to the amount certified in such 6949
manner and amount as prescribed by the attorney general. If an 6950
amount payable to a political subdivision is past due, the 6951
political subdivision may, with the approval of the attorney 6952
general, certify the amount to the attorney general pursuant to 6953

this section. 6954

For the purposes of this section, the attorney general and 6955
the officer, employee, or agent responsible for administering the 6956
law under which the amount is payable shall agree on the time a 6957
payment is due, and that agreed upon time shall be one of the 6958
following times: 6959

(1) If a law, including an administrative rule, of this state 6960
prescribes the time a payment is required to be made or reported, 6961
when the payment is required by that law to be paid or reported. 6962

(2) If the payment is for services rendered, when the 6963
rendering of the services is completed. 6964

(3) If the payment is reimbursement for a loss, when the loss 6965
is incurred. 6966

(4) In the case of a fine or penalty for which a law or 6967
administrative rule does not prescribe a time for payment, when 6968
the fine or penalty is first assessed. 6969

(5) If the payment arises from a legal finding, judgment, or 6970
adjudication order, when the finding, judgment, or order is 6971
rendered or issued. 6972

(6) If the payment arises from an overpayment of money by the 6973
state to another person, when the overpayment is discovered. 6974

(7) The date on which the amount for which an individual is 6975
personally liable under section 5735.35, section 5739.33, or 6976
division (G) of section 5747.07 of the Revised Code is determined. 6977

(8) Upon proof of claim being filed in a bankruptcy case. 6978

(9) Any other appropriate time determined by the attorney 6979
general and the officer, employee, or agent responsible for 6980
administering the law under which the amount is payable on the 6981
basis of statutory requirements or ordinary business processes of 6982
the state agency to which the payment is owed. 6983

(B)(1) The attorney general shall give immediate notice by 6984
mail or otherwise to the party indebted of the nature and amount 6985
of the indebtedness. 6986

(2) If the amount payable to this state arises from a tax 6987
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 6988
Revised Code, the notice also shall specify all of the following: 6989

(a) The assessment or case number; 6990

(b) The tax pursuant to which the assessment is made; 6991

(c) The reason for the liability, including, if applicable, 6992
that a penalty or interest is due; 6993

(d) An explanation of how and when interest will be added to 6994
the amount assessed; 6995

(e) That the attorney general and tax commissioner, acting 6996
together, have the authority, but are not required, to compromise 6997
the claim and accept payment over a reasonable time, if such 6998
actions are in the best interest of the state. 6999

(C) The attorney general shall collect the claim or secure a 7000
judgment and issue an execution for its collection. 7001

(D) Each claim shall bear interest, from the day on which the 7002
claim became due, at the rate per annum required by section 7003
5703.47 of the Revised Code. 7004

(E) The attorney general and the chief officer of the agency 7005
reporting a claim, acting together, may do any of the following if 7006
such action is in the best interests of the state: 7007

(1) Compromise the claim; 7008

(2) Extend for a reasonable period the time for payment of 7009
the claim by agreeing to accept monthly or other periodic 7010
payments. The agreement may require security for payment of the 7011
claim. 7012

(3) Add fees to recover the cost of processing checks or 7013
other draft instruments returned for insufficient funds and the 7014
cost of providing electronic payment options. 7015

(F)(1) Except as provided in division (F)(2) of this section, 7016
if the attorney general finds, after investigation, that any claim 7017
due and owing to the state is uncollectible, the attorney general, 7018
with the consent of the chief officer of the agency reporting the 7019
claim, may do the following: 7020

(a) Sell, convey, or otherwise transfer the claim to one or 7021
more private entities for collection; 7022

(b) Cancel the claim or cause it to be canceled. 7023

(2) The attorney general shall cancel or cause to be canceled 7024
an unsatisfied claim on the date that is forty years after the 7025
date the claim is certified. 7026

(3) No initial action shall be commenced to collect any tax 7027
payable to the state that is administered by the tax commissioner, 7028
whether or not such tax is subject to division (B) of this 7029
section, or any penalty, interest, or additional charge on such 7030
tax, after the expiration of the period ending on the later of the 7031
dates specified in divisions (F)(3)(a) and (b) of this section, 7032
provided that such period shall be extended by the period of any 7033
stay to such collection or by any other period to which the 7034
parties mutually agree. If the initial action in aid of execution 7035
is commenced before the later of the dates specified in divisions 7036
(F)(3)(a) and (b) of this section, any and all subsequent actions 7037
may be pursued in aid of execution of judgment for as long as the 7038
debt exists. 7039

(a) Seven years after the assessment of the tax, penalty, 7040
interest, or additional charge is issued. 7041

(b) Four years after the assessment of the tax, penalty, 7042
interest, or additional charge becomes final. For the purposes of 7043

division (F)(3)(b) of this section, the assessment becomes final 7044
at the latest of the following: upon expiration of the period to 7045
petition for reassessment, or if applicable, to appeal a final 7046
determination of the commissioner or decision of the board of tax 7047
appeals or a court, or, if applicable, upon decision of the United 7048
States supreme court. 7049

For the purposes of division (F)(3) of this section, an 7050
initial action to collect a tax debt is commenced at the time when 7051
~~any action, including any action in aid of execution on a~~ 7052
~~judgment, commences after~~ a certified copy of the tax 7053
commissioner's entry making an assessment final has been filed in 7054
the office of the clerk of court of common pleas in the county in 7055
which the taxpayer resides or has its principal place of business 7056
in this state, or in the office of the clerk of court of common 7057
pleas of Franklin county, as provided in section 5739.13, 5741.14, 7058
5747.13, or 5751.09 of the Revised Code or in any other applicable 7059
law requiring such a filing. If an assessment has not been issued 7060
and there is no time limitation on the issuance of an assessment 7061
under applicable law, an action to collect a tax debt commences 7062
when the action is filed in the courts of this state to collect 7063
the liability. 7064

(4) If information contained in a claim that is sold, 7065
conveyed, or transferred to a private entity pursuant to this 7066
section is confidential pursuant to federal law or a section of 7067
the Revised Code that implements a federal law governing 7068
confidentiality, such information remains subject to that law 7069
during and following the sale, conveyance, or transfer. 7070

Sec. 131.35. (A) With respect to ~~the federal funds revenue~~ 7071
received into any fund of the state ~~from which transfers may be~~ 7072
~~made under~~, except for those funds listed in division (D) of 7073
section 127.14 of the Revised Code: 7074

(1) No state agency may make expenditures of any federal 7075
~~funds revenue~~, whether ~~such funds are~~ the revenue is advanced 7076
prior to expenditure or as reimbursement, unless such expenditures 7077
are made pursuant to specific appropriations of the general 7078
assembly, are authorized by the controlling board pursuant to 7079
division (A)(5) of this section, or are authorized by an executive 7080
order issued in accordance with section 107.17 of the Revised 7081
Code, and until an allotment has been approved by the director of 7082
budget and management. All federal ~~funds~~ revenue received by a 7083
state agency shall be reported to the director within fifteen days 7084
of the receipt of ~~such funds~~ the revenue or the notification of 7085
award, whichever occurs first. The director shall prescribe the 7086
forms and procedures to be used when reporting the receipt of 7087
federal ~~funds~~ revenue. 7088

(2) If the federal ~~funds~~ revenue received ~~are~~ is greater than 7089
the amount of ~~such funds~~ the revenue appropriated by the general 7090
assembly for a specific purpose, the total appropriation of 7091
federal and state funds for such purpose shall remain at the 7092
amount designated by the general assembly, except that the 7093
expenditure of federal ~~funds~~ revenue received in excess of such 7094
specific appropriation may be authorized by the controlling board, 7095
subject to division (D) of this section. 7096

(3) To the extent that the expenditure of excess federal 7097
~~funds revenue~~ is authorized, the controlling board may transfer a 7098
like amount of general revenue fund appropriation authority from 7099
the affected agency to the emergency purposes appropriation of the 7100
controlling board, if such action is permitted under federal 7101
regulations. 7102

(4) Additional funds may be created by the controlling board 7103
to receive revenues not anticipated in an appropriations act for 7104
the biennium in which such new revenues are received. Subject to 7105
division (D) of this section, expenditures from such additional 7106

funds may be authorized by the controlling board, but such 7107
authorization shall not extend beyond the end of the biennium in 7108
which such funds are created. 7109

(5) Controlling board authorization for a state agency to 7110
make an expenditure of federal ~~funds~~ revenue constitutes authority 7111
for the agency to participate in the federal program providing the 7112
~~funds~~ revenue, and the agency is not required to obtain an 7113
executive order under section 107.17 of the Revised Code to 7114
participate in the federal program. 7115

(B) With respect to nonfederal ~~funds~~ revenue received into 7116
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 7117
~~state from which transfers may be made under, except for any other~~ 7118
fund listed in division (D) of section 127.14 of the Revised Code: 7119

(1) No state agency may make expenditures of any ~~such funds~~ 7120
of the revenue unless the expenditures are made pursuant to 7121
specific appropriations of the general assembly. 7122

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 7123
greater than the amount appropriated, the appropriation for that 7124
fund shall remain at the amount designated by the general assembly 7125
or, subject to division (D) of this section, as increased and 7126
approved by the controlling board. 7127

(3) Additional funds may be created by the controlling board 7128
to receive revenues not anticipated in an appropriations act for 7129
the biennium in which such new revenues are received. Subject to 7130
division (D) of this section, expenditures from such additional 7131
funds may be authorized by the controlling board, but such 7132
authorization shall not extend beyond the end of the biennium in 7133
which such funds are created. 7134

(C) The controlling board shall not authorize more than ten 7135
per cent of additional spending from the occupational licensing 7136
and regulatory fund, created in section 4743.05 of the Revised 7137

Code, in excess of any appropriation made by the general assembly 7138
to a licensing agency except an appropriation for costs related to 7139
the examination or reexamination of applicants for a license. As 7140
used in this division, "licensing agency" and "license" have the 7141
same meanings as in section 4745.01 of the Revised Code. 7142

(D) If federal revenue is received in the waterways safety 7143
fund or wildlife fund, the controlling board, at the request of 7144
the director of natural resources, may approve the expenditure of 7145
the federal revenue for purposes for which the federal revenue was 7146
granted. 7147

(E) The amount of any expenditure authorized under division 7148
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 7149
related purpose or item in any fiscal year shall not exceed an 7150
amount greater than one-half of one per cent of the general 7151
revenue fund appropriations for that fiscal year. 7152

Sec. 131.44. (A) As used in this section: 7153

(1) "Surplus revenue" means the excess, if any, of the total 7154
fund balance over the required year-end balance. 7155

(2) "Total fund balance" means the sum of the unencumbered 7156
balance in the general revenue fund on the last day of the 7157
preceding fiscal year plus the balance in the budget stabilization 7158
fund. 7159

(3) "Required year-end balance" means the sum of the 7160
following: 7161

(a) Eight and one-half per cent of the general revenue fund 7162
revenues for the preceding fiscal year; 7163

(b) "Ending fund balance," which means one-half of one per 7164
cent of general revenue fund revenues for the preceding fiscal 7165
year; 7166

(c) "Carryover balance," which means, with respect to a 7167

fiscal biennium, the excess, if any, of the estimated general 7168
revenue fund appropriation and transfer requirement for the second 7169
fiscal year of the biennium over the estimated general revenue 7170
fund revenue for that fiscal year; 7171

(d) "Capital appropriation reserve," which means the amount, 7172
if any, of general revenue fund capital appropriations made for 7173
the current biennium that the director of budget and management 7174
has determined will be encumbered or disbursed; 7175

(e) "Income tax reduction impact reserve," which means an 7176
amount equal to the reduction projected by the director of budget 7177
and management in income tax revenue in the current fiscal year 7178
attributable to the previous reduction in the income tax rate made 7179
by the tax commissioner pursuant to division (B) of section 7180
5747.02 of the Revised Code. 7181

(4) "Estimated general revenue fund appropriation and 7182
transfer requirement" means the most recent adjusted 7183
appropriations made by the general assembly from the general 7184
revenue fund and includes both of the following: 7185

(a) Appropriations made and transfers of appropriations from 7186
the first fiscal year to the second fiscal year of the biennium in 7187
provisions of acts of the general assembly signed by the governor 7188
but not yet effective; 7189

(b) Transfers of appropriations from the first fiscal year to 7190
the second fiscal year of the biennium approved by the controlling 7191
board. 7192

(5) "Estimated general revenue fund revenue" means the most 7193
recent such estimate available to the director of budget and 7194
management. 7195

(B)(1) Not later than the thirty-first day of July each year, 7196
the director of budget and management shall determine the surplus 7197
revenue that existed on the preceding thirtieth day of June and 7198

transfer from the general revenue fund, to the extent of the 7199
unobligated, unencumbered balance on the preceding thirtieth day 7200
of June in excess of one-half of one per cent of the general 7201
revenue fund revenues in the preceding fiscal year, the following: 7202

(a) First, to the budget stabilization fund, any amount 7203
necessary for the balance of the budget stabilization fund to 7204
equal eight and one-half per cent of the general revenue fund 7205
revenues of the preceding fiscal year; 7206

(b) ~~Then~~ Second, if the director received a certification 7207
from the tax commissioner under section 5747.06 of the Revised 7208
Code in the current fiscal year, to the income tax withholding 7209
fund, which is hereby created in the state treasury, an amount 7210
equal to the lesser of the remaining surplus revenue or the 7211
aggregate amount of offsets identified in the certification; 7212

(c) Third, to the income tax reduction fund, which is hereby 7213
created in the state treasury, an amount equal to the remaining 7214
surplus revenue. 7215

(2) Not later than the thirty-first day of July each year, 7216
the director shall determine the percentage that the balance in 7217
the income tax reduction fund is of the amount of revenue that the 7218
director estimates will be received from the tax levied under 7219
section 5747.02 of the Revised Code in the current fiscal year 7220
without regard to any reduction under division (B) of that 7221
section. If that percentage exceeds thirty-five one hundredths of 7222
one per cent, the director shall certify the percentage to the tax 7223
commissioner not later than the thirty-first day of July. 7224

(C) The director of budget and management shall transfer 7225
money in the income tax reduction fund to the general revenue 7226
fund, the local government fund, and the public library fund as 7227
necessary to offset revenue reductions resulting from the 7228
reductions in taxes required under division (B) of section 5747.02 7229

of the Revised Code in the respective amounts and percentages 7230
prescribed by ~~division (A) of~~ section 5747.03 and divisions (A) 7231
and (B) of section 131.51 of the Revised Code as if the amount 7232
transferred had been collected as taxes under Chapter 5747. of the 7233
Revised Code. If no reductions in taxes are made under that 7234
division that affect revenue received in the current fiscal year, 7235
the director shall not transfer money from the income tax 7236
reduction fund to the general revenue fund, the local government 7237
fund, and the public library fund. 7238

(D) On or after the day the tax commissioner's adjustment to 7239
the method of determining the amount of income tax to be withheld 7240
under section 5747.06 of the Revised Code takes effect, the 7241
director of budget and management shall transfer money in the 7242
income tax withholding fund to the general revenue fund, the local 7243
government fund, and the public library fund in the respective 7244
amounts and percentages prescribed under section 5747.03 and 7245
divisions (A) and (B) of section 131.51 of the Revised Code as if 7246
the amount transferred had been collected as taxes under Chapter 7247
5747. of the Revised Code. 7248

Within ten days before the last day of a fiscal year, the 7249
director shall transfer any money remaining in the income tax 7250
withholding fund to the income tax reduction fund. 7251

Sec. 131.511. (A) In addition to the amounts credited to the 7252
local government fund under section 131.51 of the Revised Code, 7253
the director of the office of budget and management shall credit 7254
monthly to the local government audit support fund a portion of 7255
total tax revenue credited to the general revenue fund equal to 7256
one-twelfth of the annual fiscal year appropriation from the local 7257
government audit support fund. 7258

(B) The director of budget and management shall develop a 7259
schedule identifying the specific tax revenue sources to be used 7260

to make the monthly transfers required under division (A) of this 7261
section. The director may, from time to time, revise the schedule 7262
of revenue sources as the director considers necessary. 7263

Sec. 133.06. (A) A school district shall not incur, without a 7264
vote of the electors, net indebtedness that exceeds an amount 7265
equal to one-tenth of one per cent of its tax valuation, except as 7266
provided in divisions (G) and (H) of this section and in division 7267
(D) of section 3313.372 of the Revised Code, or as prescribed in 7268
section 3318.052 or 3318.44 of the Revised Code, or as provided in 7269
division (J) of this section. 7270

(B) Except as provided in divisions (E), (F), and (I) of this 7271
section, a school district shall not incur net indebtedness that 7272
exceeds an amount equal to nine per cent of its tax valuation. 7273

(C) A school district shall not submit to a vote of the 7274
electors the question of the issuance of securities in an amount 7275
that will make the district's net indebtedness after the issuance 7276
of the securities exceed an amount equal to four per cent of its 7277
tax valuation, unless the superintendent of public instruction, 7278
acting under policies adopted by the state board of education, and 7279
the tax commissioner, acting under written policies of the 7280
commissioner, consent to the submission. A request for the 7281
consents shall be made at least one hundred twenty days prior to 7282
the election at which the question is to be submitted. 7283

The superintendent of public instruction shall certify to the 7284
district the superintendent's and the tax commissioner's decisions 7285
within thirty days after receipt of the request for consents. 7286

If the electors do not approve the issuance of securities at 7287
the election for which the superintendent of public instruction 7288
and tax commissioner consented to the submission of the question, 7289
the school district may submit the same question to the electors 7290
on the date that the next special election may be held under 7291

section 3501.01 of the Revised Code without submitting a new 7292
request for consent. If the school district seeks to submit the 7293
same question at any other subsequent election, the district shall 7294
first submit a new request for consent in accordance with this 7295
division. 7296

(D) In calculating the net indebtedness of a school district, 7297
none of the following shall be considered: 7298

(1) Securities issued to acquire school buses and other 7299
equipment used in transporting pupils or issued pursuant to 7300
division (D) of section 133.10 of the Revised Code; 7301

(2) Securities issued under division (F) of this section, 7302
under section 133.301 of the Revised Code, and, to the extent in 7303
excess of the limitation stated in division (B) of this section, 7304
under division (E) of this section; 7305

(3) Indebtedness resulting from the dissolution of a joint 7306
vocational school district under section 3311.217 of the Revised 7307
Code, evidenced by outstanding securities of that joint vocational 7308
school district; 7309

(4) Loans, evidenced by any securities, received under 7310
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 7311

(5) Debt incurred under section 3313.374 of the Revised Code; 7312

(6) Debt incurred pursuant to division (B)(5) of section 7313
3313.37 of the Revised Code to acquire computers and related 7314
hardware; 7315

(7) Debt incurred under section 3318.042 of the Revised Code; 7316

(8) Debt incurred under section 5705.2112 or 5705.2113 of the 7317
Revised Code by the fiscal board of a qualifying partnership of 7318
which the school district is a participating school district. 7319

(E) A school district may become a special needs district as 7320
to certain securities as provided in division (E) of this section. 7321

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the

superintendent shall be conclusive. 7352

(4) An approved special needs district may incur net 7353
indebtedness by the issuance of securities in accordance with the 7354
provisions of this chapter in an amount that does not exceed an 7355
amount equal to the greater of the following: 7356

(a) Twelve per cent of the sum of its tax valuation plus an 7357
amount that is the product of multiplying that tax valuation by 7358
the percentage by which the tax valuation has increased over the 7359
tax valuation on the first day of the sixtieth month preceding the 7360
month in which its board determines to submit to the electors the 7361
question of issuing the proposed securities; 7362

(b) Twelve per cent of the sum of its tax valuation plus an 7363
amount that is the product of multiplying that tax valuation by 7364
the percentage, determined by the superintendent of public 7365
instruction, by which that tax valuation is projected to increase 7366
during the next ten years. 7367

(F) A school district may issue securities for emergency 7368
purposes, in a principal amount that does not exceed an amount 7369
equal to three per cent of its tax valuation, as provided in this 7370
division. 7371

(1) A board of education, by resolution, may declare an 7372
emergency if it determines both of the following: 7373

(a) School buildings or other necessary school facilities in 7374
the district have been wholly or partially destroyed, or condemned 7375
by a constituted public authority, or that such buildings or 7376
facilities are partially constructed, or so constructed or planned 7377
as to require additions and improvements to them before the 7378
buildings or facilities are usable for their intended purpose, or 7379
that corrections to permanent improvements are necessary to remove 7380
or prevent health or safety hazards. 7381

(b) Existing fiscal and net indebtedness limitations make 7382

adequate replacement, additions, or improvements impossible. 7383

(2) Upon the declaration of an emergency, the board of 7384
education may, by resolution, submit to the electors of the 7385
district pursuant to section 133.18 of the Revised Code the 7386
question of issuing securities for the purpose of paying the cost, 7387
in excess of any insurance or condemnation proceeds received by 7388
the district, of permanent improvements to respond to the 7389
emergency need. 7390

(3) The procedures for the election shall be as provided in 7391
section 133.18 of the Revised Code, except that: 7392

(a) The form of the ballot shall describe the emergency 7393
existing, refer to this division as the authority under which the 7394
emergency is declared, and state that the amount of the proposed 7395
securities exceeds the limitations prescribed by division (B) of 7396
this section; 7397

(b) The resolution required by division (B) of section 133.18 7398
of the Revised Code shall be certified to the county auditor and 7399
the board of elections at least one hundred days prior to the 7400
election; 7401

(c) The county auditor shall advise and, not later than 7402
ninety-five days before the election, confirm that advice by 7403
certification to, the board of education of the information 7404
required by division (C) of section 133.18 of the Revised Code; 7405

(d) The board of education shall then certify its resolution 7406
and the information required by division (D) of section 133.18 of 7407
the Revised Code to the board of elections not less than ninety 7408
days prior to the election. 7409

(4) Notwithstanding division (B) of section 133.21 of the 7410
Revised Code, the first principal payment of securities issued 7411
under this division may be set at any date not later than sixty 7412
months after the earliest possible principal payment otherwise 7413

provided for in that division. 7414

(G)(1) The board of education may contract with an architect, 7415
professional engineer, or other person experienced in the design 7416
and implementation of energy conservation measures for an analysis 7417
and recommendations pertaining to installations, modifications of 7418
installations, or remodeling that would significantly reduce 7419
energy consumption in buildings owned by the district. The report 7420
shall include estimates of all costs of such installations, 7421
modifications, or remodeling, including costs of design, 7422
engineering, installation, maintenance, repairs, measurement and 7423
verification of energy savings, and debt service, forgone residual 7424
value of materials or equipment replaced by the energy 7425
conservation measure, as defined by the Ohio facilities 7426
construction commission, a baseline analysis of actual energy 7427
consumption data for the preceding three years with the utility 7428
baseline based on only the actual energy consumption data for the 7429
preceding twelve months, and estimates of the amounts by which 7430
energy consumption and resultant operational and maintenance 7431
costs, as defined by the commission, would be reduced. 7432

If the board finds after receiving the report that the amount 7433
of money the district would spend on such installations, 7434
modifications, or remodeling is not likely to exceed the amount of 7435
money it would save in energy and resultant operational and 7436
maintenance costs over the ensuing fifteen years, the board may 7437
submit to the commission a copy of its findings and a request for 7438
approval to incur indebtedness to finance the making or 7439
modification of installations or the remodeling of buildings for 7440
the purpose of significantly reducing energy consumption. 7441

The facilities construction commission, in consultation with 7442
the auditor of state, may deny a request under division (G)(1) of 7443
this section by the board of education of any school district that 7444
is in a state of fiscal watch pursuant to division (A) of section 7445

3316.03 of the Revised Code, if it determines that the expenditure 7446
of funds is not in the best interest of the school district. 7447

No district board of education of a school district that is 7448
in a state of fiscal emergency pursuant to division (B) of section 7449
3316.03 of the Revised Code shall submit a request without 7450
submitting evidence that the installations, modifications, or 7451
remodeling have been approved by the district's financial planning 7452
and supervision commission established under section 3316.05 of 7453
the Revised Code. 7454

~~No board of education of a school district for which an 7455
academic distress commission has been established under section 7456
3302.10 of the Revised Code shall submit a request without first 7457
receiving approval to incur indebtedness from the district's 7458
academic distress commission established under that section, for 7459
so long as such commission continues to be required for the 7460
district. 7461~~

(2) The board of education may contract with a person 7462
experienced in the implementation of student transportation to 7463
produce a report that includes an analysis of and recommendations 7464
for the use of alternative fuel vehicles by school districts. The 7465
report shall include cost estimates detailing the return on 7466
investment over the life of the alternative fuel vehicles and 7467
environmental impact of alternative fuel vehicles. The report also 7468
shall include estimates of all costs associated with alternative 7469
fuel transportation, including facility modifications and vehicle 7470
purchase costs or conversion costs. 7471

If the board finds after receiving the report that the amount 7472
of money the district would spend on purchasing alternative fuel 7473
vehicles or vehicle conversion is not likely to exceed the amount 7474
of money it would save in fuel and resultant operational and 7475
maintenance costs over the ensuing five years, the board may 7476
submit to the commission a copy of its findings and a request for 7477

approval to incur indebtedness to finance the purchase of new 7478
alternative fuel vehicles or vehicle conversions for the purpose 7479
of reducing fuel costs. 7480

The facilities construction commission, in consultation with 7481
the auditor of state, may deny a request under division (G)(2) of 7482
this section by the board of education of any school district that 7483
is in a state of fiscal watch pursuant to division (A) of section 7484
3316.03 of the Revised Code, if it determines that the expenditure 7485
of funds is not in the best interest of the school district. 7486

No district board of education of a school district that is 7487
in a state of fiscal emergency pursuant to division (B) of section 7488
3316.03 of the Revised Code shall submit a request without 7489
submitting evidence that the purchase or conversion of alternative 7490
fuel vehicles has been approved by the district's financial 7491
planning and supervision commission established under section 7492
3316.05 of the Revised Code. 7493

~~No board of education of a school district for which an 7494
academic distress commission has been established under section 7495
3302.10 of the Revised Code shall submit a request without first 7496
receiving approval to incur indebtedness from the district's 7497
academic distress commission established under that section, for 7498
so long as such commission continues to be required for the 7499
district. 7500~~

(3) The facilities construction commission shall approve the 7501
board's request provided that the following conditions are 7502
satisfied: 7503

(a) The commission determines that the board's findings are 7504
reasonable. 7505

(b) The request for approval is complete. 7506

(c) If the request was submitted under division (G)(1) of 7507
this section, the installations, modifications, or remodeling are 7508

consistent with any project to construct or acquire classroom 7509
facilities, or to reconstruct or make additions to existing 7510
classroom facilities under sections 3318.01 to 3318.20 or sections 7511
3318.40 to 3318.45 of the Revised Code. 7512

Upon receipt of the commission's approval, the district may 7513
issue securities without a vote of the electors in a principal 7514
amount not to exceed nine-tenths of one per cent of its tax 7515
valuation for the purpose specified in division (G)(1) or (2) of 7516
this section, but the total net indebtedness of the district 7517
without a vote of the electors incurred under this and all other 7518
sections of the Revised Code, except section 3318.052 of the 7519
Revised Code, shall not exceed one per cent of the district's tax 7520
valuation. 7521

(4)(a) So long as any securities issued under division (G)(1) 7522
of this section remain outstanding, the board of education shall 7523
monitor the energy consumption and resultant operational and 7524
maintenance costs of buildings in which installations or 7525
modifications have been made or remodeling has been done pursuant 7526
to that division. Except as provided in division (G)(4)(b) of this 7527
section, the board shall maintain and annually update a report in 7528
a form and manner prescribed by the facilities construction 7529
commission documenting the reductions in energy consumption and 7530
resultant operational and maintenance cost savings attributable to 7531
such installations, modifications, or remodeling. The resultant 7532
operational and maintenance cost savings shall be certified by the 7533
school district treasurer. The report shall be submitted annually 7534
to the commission. 7535

(b) If the facilities construction commission verifies that 7536
the certified annual reports submitted to the commission by a 7537
board of education under division (G)(4)(a) of this section 7538
fulfill the guarantee required under division (B) of section 7539
3313.372 of the Revised Code for three consecutive years, the 7540

board of education shall no longer be subject to the annual 7541
reporting requirements of division (G)(4)(a) of this section. 7542

(5) So long as any securities issued under division (G)(2) of 7543
this section remain outstanding, the board of education shall 7544
monitor the purchase of new alternative fuel vehicles or vehicle 7545
conversions pursuant to that division. The board shall maintain 7546
and annually update a report in a form and manner prescribed by 7547
the facilities construction commission documenting the purchase of 7548
new alternative fuel vehicles or vehicle conversions, the 7549
associated environmental impact, and return on investment. The 7550
resultant fuel and operational and maintenance cost savings shall 7551
be certified by the school district treasurer. The report shall be 7552
submitted annually to the commission. 7553

(H) With the consent of the superintendent of public 7554
instruction, a school district may incur without a vote of the 7555
electors net indebtedness that exceeds the amounts stated in 7556
divisions (A) and (G) of this section for the purpose of paying 7557
costs of permanent improvements, if and to the extent that both of 7558
the following conditions are satisfied: 7559

(1) The fiscal officer of the school district estimates that 7560
receipts of the school district from payments made under or 7561
pursuant to agreements entered into pursuant to section 725.02, 7562
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 7563
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 7564
of the Revised Code, or distributions under division (C) of 7565
section 5709.43 or division (B) of section 5709.47 of the Revised 7566
Code, or any combination thereof, are, after accounting for any 7567
appropriate coverage requirements, sufficient in time and amount, 7568
and are committed by the proceedings, to pay the debt charges on 7569
the securities issued to evidence that indebtedness and payable 7570
from those receipts, and the taxing authority of the district 7571
confirms the fiscal officer's estimate, which confirmation is 7572

approved by the superintendent of public instruction; 7573

(2) The fiscal officer of the school district certifies, and 7574
the taxing authority of the district confirms, that the district, 7575
at the time of the certification and confirmation, reasonably 7576
expects to have sufficient revenue available for the purpose of 7577
operating such permanent improvements for their intended purpose 7578
upon acquisition or completion thereof, and the superintendent of 7579
public instruction approves the taxing authority's confirmation. 7580

The maximum maturity of securities issued under division (H) 7581
of this section shall be the lesser of twenty years or the maximum 7582
maturity calculated under section 133.20 of the Revised Code. 7583

(I) A school district may incur net indebtedness by the 7584
issuance of securities in accordance with the provisions of this 7585
chapter in excess of the limit specified in division (B) or (C) of 7586
this section when necessary to raise the school district portion 7587
of the basic project cost and any additional funds necessary to 7588
participate in a project under Chapter 3318. of the Revised Code, 7589
including the cost of items designated by the facilities 7590
construction commission as required locally funded initiatives, 7591
the cost of other locally funded initiatives in an amount that 7592
does not exceed fifty per cent of the district's portion of the 7593
basic project cost, and the cost for site acquisition. The 7594
commission shall notify the superintendent of public instruction 7595
whenever a school district will exceed either limit pursuant to 7596
this division. 7597

(J) A school district whose portion of the basic project cost 7598
of its classroom facilities project under sections 3318.01 to 7599
3318.20 of the Revised Code is greater than or equal to one 7600
hundred million dollars may incur without a vote of the electors 7601
net indebtedness in an amount up to two per cent of its tax 7602
valuation through the issuance of general obligation securities in 7603
order to generate all or part of the amount of its portion of the 7604

basic project cost if the controlling board has approved the 7605
facilities construction commission's conditional approval of the 7606
project under section 3318.04 of the Revised Code. The school 7607
district board and the Ohio facilities construction commission 7608
shall include the dedication of the proceeds of such securities in 7609
the agreement entered into under section 3318.08 of the Revised 7610
Code. No state moneys shall be released for a project to which 7611
this section applies until the proceeds of any bonds issued under 7612
this section that are dedicated for the payment of the school 7613
district portion of the project are first deposited into the 7614
school district's project construction fund. 7615

Sec. 141.04. (A) The annual salaries of the chief justice of 7616
the supreme court and of the justices and judges named in this 7617
section payable from the state treasury are as follows: 7618

(1) For the chief justice of the supreme court, the following 7619
amounts effective in the following years: 7620

(a) Beginning January 1, 2018, one hundred seventy-four 7621
thousand seven hundred dollars; 7622

(b) Beginning January 1, 2019, one hundred eighty-three 7623
thousand four hundred fifty dollars; 7624

(c) Beginning January 1, 2020, and in each calendar year 7625
thereafter through calendar year 2028 beginning on the first day 7626
of January, the annual compensation amount shall be increased by 7627
one and three-quarters per cent. 7628

(2) For the justices of the supreme court, the following 7629
amounts effective in the following years: 7630

(a) Beginning January 1, 2018, one hundred sixty-four 7631
thousand dollars; 7632

(b) Beginning January 1, 2019, one hundred seventy-two 7633
thousand two hundred dollars; 7634

(c) Beginning January 1, 2020, and in each calendar year 7635
thereafter through calendar year 2028 beginning on the first day 7636
of January, the annual compensation amount shall be increased by 7637
one and three-quarters per cent. 7638

(3) For the judges of the courts of appeals, the following 7639
amounts effective in the following years: 7640

(a) Beginning January 1, 2018, one hundred fifty-two thousand 7641
eight hundred fifty dollars; 7642

(b) Beginning January 1, 2019, one hundred sixty thousand 7643
five hundred dollars; 7644

(c) Beginning January 1, 2020, and in each calendar year 7645
thereafter through calendar year 2028 beginning on the first day 7646
of January, the annual compensation amount shall be increased by 7647
one and three-quarters per cent. 7648

(4) For the judges of the courts of common pleas, the 7649
following amounts effective in the following years, reduced by an 7650
amount equal to the annual compensation paid to that judge from 7651
the county treasury pursuant to section 141.05 of the Revised 7652
Code: 7653

(a) Beginning January 1, 2018, one hundred forty thousand 7654
five hundred fifty dollars; 7655

(b) Beginning January 1, 2019, one hundred forty-seven 7656
thousand six hundred dollars; 7657

(c) Beginning January 1, 2020, and in each calendar year 7658
thereafter through calendar year 2028 beginning on the first day 7659
of January, the annual compensation amount shall be increased by 7660
one and three-quarters per cent. 7661

(5) For the full-time judges of a municipal court or the 7662
part-time judges of a municipal court of a territory having a 7663
population of more than fifty thousand, the following amounts 7664

effective in the following years, reduced by an amount equal to 7665
the annual compensation paid to that judge pursuant to division 7666
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 7667
corporations and counties: 7668

(a) Beginning January 1, 2018, one hundred thirty-two 7669
thousand one hundred fifty dollars; 7670

(b) Beginning January 1, 2019, one hundred thirty-eight 7671
thousand eight hundred dollars; 7672

(c) Beginning January 1, 2020, and in each calendar year 7673
thereafter through calendar year 2028 beginning on the first day 7674
of January, the annual compensation amount shall be increased by 7675
one and three-quarters per cent. 7676

(6) For judges of a municipal court designated as part-time 7677
judges by section 1901.08 of the Revised Code, other than 7678
part-time judges to whom division (A)(5) of this section applies, 7679
and for judges of a county court, the following amounts effective 7680
in the following years, reduced by an amount equal to the annual 7681
compensation paid to that judge pursuant to division (A) of 7682
section 1901.11 of the Revised Code from municipal corporations 7683
and counties or pursuant to division (A) of section 1907.16 of the 7684
Revised Code from counties: 7685

(a) Beginning January 1, 2018, seventy-six thousand fifty 7686
dollars; 7687

(b) Beginning January 1, 2019, seventy-nine thousand nine 7688
hundred dollars; 7689

(c) Beginning January 1, 2020, and in each calendar year 7690
thereafter through calendar year 2028 beginning on the first day 7691
of January, the annual compensation amount shall be increased by 7692
one and three-quarters per cent. 7693

(B) Except as provided in sections 1901.122 and 1901.123 of 7694

the Revised Code, except as otherwise provided in this division, 7695
and except for the compensation to which the judges described in 7696
division (A)(5) of this section are entitled pursuant to divisions 7697
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 7698
annual salary of the chief justice of the supreme court and of 7699
each justice or judge listed in division (A) of this section shall 7700
be paid in equal monthly installments from the state treasury. If 7701
the chief justice of the supreme court or any justice or judge 7702
listed in division (A)(2), (3), or (4) of this section delivers a 7703
written request to be paid biweekly to the administrative director 7704
of the supreme court prior to the first day of January of any 7705
year, the annual salary of the chief justice or the justice or 7706
judge that is listed in division (A)(2), (3), or (4) of this 7707
section shall be paid, during the year immediately following the 7708
year in which the request is delivered to the administrative 7709
director of the supreme court, biweekly from the state treasury. 7710

(C) Upon the death of the chief justice or a justice of the 7711
supreme court during that person's term of office, an amount shall 7712
be paid in accordance with section 2113.04 of the Revised Code, or 7713
to that person's estate. The amount shall equal the amount of the 7714
salary that the chief justice or justice would have received 7715
during the remainder of the unexpired term or an amount equal to 7716
the salary of office for two years, whichever is less. 7717

(D) Neither the chief justice of the supreme court nor any 7718
justice or judge of the supreme court, the court of appeals, the 7719
court of common pleas, or the probate court shall hold any other 7720
office of trust or profit under the authority of this state or the 7721
United States. 7722

(E) In addition to the salaries payable pursuant to this 7723
section, the chief justice of the supreme court and the justices 7724
of the supreme court shall be entitled to a vehicle allowance of 7725
five hundred dollars per month, payable from the state treasury. 7726

The allowance shall be increased on the first day of January of 7727
each odd-numbered year by an amount equal to the percentage 7728
increase, if any, in the consumer price index for the immediately 7729
preceding twenty-four month period for which information is 7730
available. 7731

~~(F) On or before the first day of December of each year, the 7732
Ohio supreme court, through its chief administrator, shall notify 7733
the administrative judge of the Montgomery county municipal court, 7734
the board of county commissioners of Montgomery county, and the 7735
treasurer of the state of the yearly salary cost of five part time 7736
county court judges as of that date. If the total yearly salary 7737
costs of all of the judges of the Montgomery county municipal 7738
court as of the first day of December of that same year exceeds 7739
that amount, the administrative judge of the Montgomery county 7740
municipal court shall cause payment of the excess between those 7741
two amounts less any reduced amount paid for the health care costs 7742
of the Montgomery county municipal court judges in comparison to 7743
the health care costs of five part time county court judges from 7744
the general special projects fund or the fund for a specific 7745
special project created pursuant to section 1901.26 of the Revised 7746
Code to the treasurer of Montgomery county and to the treasurer of 7747
the state in amounts proportional to the percentage of the 7748
salaries of the municipal court judges paid by the county and by 7749
the state. 7750~~

~~(G) As used in this section: 7751~~

~~(1) "Consumer price index" has the same meaning as in section 7752
101.27 of the Revised Code. 7753~~

~~(2) "Salary" does not include any portion of the cost, 7754
premium, or charge for health, medical, hospital, dental, or 7755
surgical benefits, or any combination of those benefits, covering 7756
the chief justice of the supreme court or a justice or judge named 7757
in this section and paid on the chief justice's or the justice's 7758~~

or judge's behalf by a governmental entity. 7759

Sec. 141.16. (A) Any voluntarily retired judge, or any judge 7760
who is retired under Section 6 of Article IV, Ohio Constitution, 7761
may be assigned with the judge's consent, by the chief justice or 7762
acting chief justice of the supreme court, to active duty as a 7763
judge. While so serving, the judge shall be paid, from money 7764
appropriated for this purpose, the established compensation for 7765
such office, computed on a per diem basis, in addition to any 7766
retirement benefits to which the judge may be entitled. 7767

(B) Annually, on the first day of August, the administrative 7768
director of the ~~Ohio courts~~ supreme court shall issue a billing to 7769
the county treasurer of any county to which such a judge is 7770
assigned for reimbursement of the county's portion of the 7771
compensation previously paid by the state for the twelve-month 7772
period preceding the last day of June. The county's portion of the 7773
compensation shall be that part of each per diem paid by the state 7774
which is proportional to the county's share of the total 7775
compensation of a resident judge of such court. The county 7776
treasurer shall forward the payment within thirty days. 7777

(C)~~(1)~~ A retired assigned judge is eligible to receive a 7778
retired assigned judge payment if the retired assigned judge 7779
completes not less than one hundred hours of service in the 7780
preceding quarter as assigned by the chief justice or acting chief 7781
justice. The payment shall be seven hundred fifty dollars per 7782
quarter and shall be paid from money appropriated for this 7783
purpose. The payment is subject to any and all applicable taxes 7784
under local, state, and federal law. 7785

~~(2) Except as provided in division (C)(3) of this section,~~ 7786
~~the~~ The payment shall be paid within thirty days after the end of 7787
the quarter in which the one hundred hours is served. 7788

~~(3) In the case of a county operated municipal court, other~~ 7789

~~municipal court, or county court to which a judge was assigned, 7790
payment shall be made within thirty days after receipt of the 7791
quarterly request for reimbursement as required in division (B) of 7792
section 1901.123 of the Revised Code. 7793~~

(D) Division (C) of this section does not affect any right of 7794
a retired assigned judge to receive any allowance, annuity, 7795
pension, or other benefit vested pursuant to Chapter 145. of the 7796
Revised Code or other eligible retirement system pursuant to Ohio 7797
law. 7798

(E) As used in this section: 7799

(1) "Retired assigned judge" is a judge that is described in 7800
division (A) of this section. 7801

(2) "Quarter" is the preceding three-month period ending on 7802
the last day of the month of March, June, September, or December 7803
of each year. 7804

Sec. 147.591. (A) As used in this section, "electronic 7805
document," "electronic seal," "electronic signature," and "online 7806
notarization" have the same meanings as in section 147.60 of the 7807
Revised Code. 7808

(B)(1) An electronic document that is signed in the physical 7809
presence of the notary public with an electronic signature and 7810
notarized with an electronic seal shall be considered an original 7811
document. 7812

(2) Notwithstanding any other provision of the Revised Code 7813
to the contrary, a ~~printed~~ digital copy of a document executed 7814
electronically by the parties and acknowledged or sworn before a 7815
notary acting pursuant to this section shall be accepted by county 7816
auditors, engineers, and recorders for purposes of approval, 7817
transfer, and recording to the same extent as any other document 7818
that is submitted by an electronic recording method and shall not 7819

be rejected solely by reason of containing electronic signatures 7820
or an electronic notarization, including an online notarization, 7821
~~if that document contains the certificate required under division~~ 7822
~~(C) of section 147.542 of the Revised Code, including the~~ 7823
~~notification required under division (C)(7) of that section.~~ 7824

(3) A county auditor, engineer, and recorder shall accept a 7825
printed document that was executed electronically for purposes of 7826
approval, transfer, and recording if that document contains an 7827
attached certificate in the following, or a substantially similar, 7828
format: 7829

"AUTHENTICATOR CERTIFICATE 7830

I certify and warrant that the foregoing and annexed paper 7831
document being presented for record, to which this certification 7832
is attached, represents a true, exact, complete, and unaltered 7833
copy of the original electronic document. The county offices of 7834
the auditor, treasurer, recorder, and others necessary to 7835
effectuate the transfer and recording of the instrument shall be 7836
entitled to rely on such certification and warranty for all 7837
purposes. 7838

.....[signature of authenticator] 7839

.....[printed name of authenticator] 7840

.....[street address of authenticator] 7841

.....[city, state, zip code of 7842
authenticator] 7843

.....[telephone number of authenticator] 7844

State of) 7845

) :ss 7846

County of) 7847

The foregoing authenticator certificate was subscribed and 7848
sworn to in my presence by [printed name 7849

of authenticator] on this day of, 20... 7850

..... 7851

Notary Public" 7852

(C) Any notary public may obtain an electronic seal and an 7853
electronic signature for the purposes of notarizing documents 7854
under this section. 7855

(D) A notary public shall comply with the provisions of 7856
section 147.66 of the Revised Code pertaining to the electronic 7857
seal and electronic signature. 7858

Sec. 148.01. (A) As used in this chapter: 7859

(1) "Eligible employee" means any public employee, as defined 7860
in division (A) of section 145.01 of the Revised Code; any person 7861
eligible to become a member of the public employees retirement 7862
system under section 145.20 of the Revised Code; any employee, as 7863
defined in division (C) of section 742.01, division (B) of section 7864
3309.01, or division (A) of section 5505.01 of the Revised Code; 7865
any electing employee, as defined in section 3305.01 of the 7866
Revised Code; and any member of the state teachers retirement 7867
system. 7868

(2) "Participant account" means any of the following 7869
accounts: 7870

(a) An account that is maintained by the Ohio public 7871
employees deferred compensation board and that evidences moneys 7872
that have been deferred by, or on behalf of, a continuing member 7873
or participating employee and transmitted to the board by the 7874
retirement system of the continuing member or participating 7875
employee; 7876

(b) An account that is maintained by the governing board, 7877
administrator, depository, or trustee of a deferred compensation 7878
program of a municipal corporation and that evidences moneys that 7879

have been deferred by an officer or employee of that municipal 7880
corporation and transmitted to the governing board, administrator, 7881
depository, or trustee by the retirement system of the officer or 7882
employee or in another manner; 7883

(c) An account that is maintained by a governing board, as 7884
defined in section 148.06 of the Revised Code, and that evidences 7885
moneys that have been deferred by an officer or employee of a 7886
government unit, as defined in that section, and transmitted to 7887
the governing board by the retirement system of the officer or 7888
employee or in another manner. 7889

(3) "Participating employee" means any eligible employee who 7890
is having compensation deferred pursuant to a ~~contract~~ either of 7891
the following: 7892

(a) An agreement that is ~~executed~~ entered into before the 7893
compensation is earned and that is with the eligible employee's 7894
employer and the Ohio public employees deferred compensation 7895
board; 7896

(b) Automatic enrollment in the Ohio public employees 7897
deferred compensation program under section 148.042 of the Revised 7898
Code. 7899

(4) "Continuing member" means any former participating 7900
employee who is not currently having compensation deferred, or the 7901
former participating employee's beneficiary, to whom payment has 7902
not been made of all deferred compensation distributions. 7903

(B) Notwithstanding section 145.01 of the Revised Code, the 7904
definitions of that section are applicable to this chapter only to 7905
any extent necessary to fully understand the provisions of this 7906
chapter. Reference may also be had to Chapters 742., 3305., 3307., 7907
3309., and 5505. of the Revised Code for that purpose. 7908

Sec. 148.04. (A) The Ohio public employees deferred 7909

compensation board shall initiate, plan, expedite, and, subject to 7910
an appropriate assurance of the approval of the internal revenue 7911
service, promulgate and offer to all eligible employees, and 7912
thereafter administer on behalf of all participating employees and 7913
continuing members, and alter as required, a program for deferral 7914
of compensation, including a reasonable number of options to the 7915
employee for the investment of deferred funds, always in such form 7916
as will assure the desired tax treatment of such funds. The 7917
members of the board are the trustees of any deferred funds and 7918
shall discharge their duties with respect to the funds solely in 7919
the interest of and for the exclusive benefit of participating 7920
employees, continuing members, and their beneficiaries. With 7921
respect to such deferred funds, section 148.09 of the Revised Code 7922
shall apply to claims against participating employees or 7923
continuing members and their employers. 7924

~~(B) The Ohio public employees deferred compensation program 7925
shall provide informational materials and acknowledgment forms to 7926
employers required to comply with division (C) of this section. 7927~~

~~(C)(1) Whenever an individual becomes employed in a position 7928
paid by warrant of the director of budget and management, the 7929
individual's employer shall do both of the following at the time 7930
the employee completes the employee's initial employment 7931
paperwork: 7932~~

~~(a) Provide to the employee materials provided by the Ohio 7933
public employees deferred compensation program under division (B) 7934
of this section regarding the benefits of long term savings 7935
through deferred compensation; 7936~~

~~(b) Secure, in writing or by electronic means, the employee's 7937
acknowledgment form regarding the employee's desire to participate 7938
or not participate in a deferred compensation program offered by 7939
the board. 7940~~

~~An election regarding participation under this section shall be made in such manner and form as is prescribed by the Ohio public employees deferred compensation program and shall be filed with the program.~~

~~The employer shall forward each acknowledgment form completed under this division to the deferred compensation program not later than forty five days after the date on which the employee's employment begins.~~

~~(2) Every employer of an eligible employee shall contract with enroll the employee upon the employee's application for participation in a deferred compensation program offered by the board on the employee's application to participate, on the employee's election under section 148.041 of the Revised Code, or by automatic enrollment under section 148.042 of the Revised Code.~~

~~(D)(C) The board shall take all actions necessary to ensure that the program qualifies as an eligible deferred compensation plan under section 457(b) of the Internal Revenue Code of 1986, 26 U.S.C. 457. The board shall, subject to any applicable contract provisions of the Ohio public employees deferred compensation program plan, undertake to obtain as favorable conditions of tax treatment as possible, both in the initial programs and any permitted alterations of them or additions to them, as to such matters as terms of distribution, designation of beneficiaries, withdrawal upon disability, financial hardship, or termination of public employment, and other optional provisions.~~

The board may establish a designated Roth account feature or any other feature in which an employee may make tax-deferred or nontax-deferred contributions to an eligible government plan in accordance with 26 U.S.C. 457, as amended.

~~(E)(D) In no event shall the total of the amount of deferred compensation to be set aside under a deferred compensation program~~

and the employee's nondeferred income for any year exceed the 7972
total annual salary or compensation under the existing salary 7973
schedule or classification plan applicable to the employee in that 7974
year. 7975

Such a deferred compensation program shall be in addition to 7976
any retirement or any other benefit program provided by law for 7977
employees of this state. The board shall adopt rules pursuant to 7978
Chapter 119. of the Revised Code to provide any necessary 7979
standards or conditions for the administration of its programs, 7980
including any limits on the portion of a participating employee's 7981
compensation that may be deferred in order to avoid adverse 7982
treatment of the program by the internal revenue service or the 7983
occurrence of deferral, withholding, or other deductions in excess 7984
of the compensation available for any pay period. 7985

Both of the following apply to a deferred compensation 7986
program established under this section: 7987

(1) Any income deferred under the program shall continue to 7988
be included as regular compensation for the purpose of computing 7989
the contributions to and benefits from the retirement system of an 7990
employee; 7991

(2) Any sums deferred shall not be included in the 7992
computation of any federal and state income taxes withheld on 7993
behalf of an employee. Sums contributed to a Roth account feature 7994
or other feature to which nontax-deferred contributions are made 7995
shall be included in the computation of any federal and state 7996
income taxes withheld on behalf of an employee. 7997

~~(F)~~(E) This section does not limit the authority of any 7998
municipal corporation, county, township, park district, 7999
conservancy district, sanitary district, health district, public 8000
library, county law library, public institution of higher 8001
education, or school district to provide separate authorized plans 8002

or programs for deferring compensation of their officers and 8003
employees in addition to the program for the deferral of 8004
compensation offered by the board. Any municipal corporation, 8005
township, public institution of higher education, or school 8006
district that offers such plans or programs shall include a 8007
reasonable number of options to its officers or employees for the 8008
investment of the deferred funds, including annuities, variable 8009
annuities, regulated investment trusts, or other forms of 8010
investment approved by the municipal corporation, township, public 8011
institution of higher education, or school district, that will 8012
assure the desired tax treatment of the funds. 8013

Sec. 148.041. (A) Unless the employee will be automatically 8014
enrolled in the Ohio public employees deferred compensation 8015
program under section 148.042 of the Revised Code, whenever an 8016
eligible employee becomes employed in a position paid by warrant 8017
of the director of budget and management, the employee's employer 8018
shall do both of the following at the time the employee completes 8019
the employee's initial employment paperwork: 8020

(1) Provide to the employee materials provided by the Ohio 8021
public employees deferred compensation board under division (D) of 8022
this section regarding the benefits of long-term savings through 8023
deferred compensation; 8024

(2) Except as otherwise provided in division (E) of this 8025
section, secure, in writing or by electronic means, the employee's 8026
election to participate or not participate in a deferred 8027
compensation program offered by the board. 8028

(B) An election regarding participation under this section 8029
shall be made in the manner prescribed by the board. 8030

(C) The employer shall forward each election completed under 8031
this section to the program not later than forty-five days after 8032
the date the employee's employment begins. 8033

(D) The board shall provide informational materials and participation forms to employers required to comply with this section. 8034
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(E) If an eligible employee transfers employment from one position paid by warrant of the director of budget and management to another position paid by warrant of the director of budget and management and, at the time of transfer, is a participating employee, the employee's new employer shall not be required to secure the employee's election to participate or not participate under division (A)(2) of this section. 8037
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Sec. 148.042. (A) As used in this section, "employing authority" means one of the following: 8044
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(1) The supreme court, house of representatives, senate, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general with respect to employees of those entities; 8046
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(2) The director of administrative services, with respect to eligible employees employed in a position paid by warrant of the director of budget and management who are not employed by a person or entity listed in division (A)(1) of this section; 8050
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(3) The employer of any eligible employee other than those described in divisions (A)(1) and (2) of this section. 8054
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(B)(1) An employing authority may elect to automatically enroll employees described in division (C)(1) of this section in the Ohio public employees deferred compensation program. An employing authority that elects automatic enrollment shall notify the Ohio public employees deferred compensation board of that election. Automatic enrollment shall commence as soon as administratively practical for the board and the employing authority. 8056
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(2) An employing authority that elects automatic enrollment may cease automatic enrollment by notifying the board. The employing authority shall specify in the notice the date on which automatic enrollment will cease, and that date must be at least ninety days after the date the employing authority sends the notice. An employee who commences employment after automatic enrollment ceases may elect to participate in the program in accordance with section 148.04 or 148.041 of the Revised Code. Cessation of automatic enrollment does not affect the enrollment of employees enrolled during an automatic enrollment period.

An employing authority that ceases automatic enrollment may subsequently elect automatic enrollment by complying with division (B)(1) of this section.

(C)(1) An eligible employee employed by an employing authority that has elected automatic enrollment shall be automatically enrolled in the program if one of the following applies to the employee:

(a) The employee initially commences employment with the employing authority on or after the date automatic enrollment begins under division (B) of this section.

(b) The employee separates from employment with an employing authority, becomes a continuing member, and, on or after the date automatic enrollment begins, commences employment with that employing authority or a different employing authority.

(c) The employee is employed in a position paid by warrant of the director of budget and management and the employee transfers employment from an employing authority that has not elected to automatically enroll employees under this section to another position paid by warrant of the director of budget and management under an employing authority that has elected to automatically enroll employees, if the transfer occurs on or after the date

automatic enrollment begins. 8095

(2) An employee who, at the time of transferring from one 8096
employing authority to another as described in division (C)(1)(c) 8097
of this section, is a participating employee shall not be 8098
automatically enrolled in the program by the employing authority 8099
to which the employee transfers. 8100

(D) The board shall establish the automatic deferral amounts 8101
and specify the investment options into which those deferred 8102
amounts will be invested for participating employees who are 8103
enrolled under this section. Deferral amounts shall not exceed the 8104
lesser of either ten per cent of an eligible employee's 8105
compensation or the maximum contribution that the employee is 8106
eligible to contribute under federal law. 8107

(E) An employing authority that elects to automatically 8108
enroll employees under this section shall provide those employees 8109
with notice of the employee's rights and obligations in the manner 8110
prescribed by the board. 8111

(F) An employing authority shall not elect to automatically 8112
enroll an eligible employee under this section, or elect to cease 8113
automatic enrollment, if that election conflicts with any 8114
collective bargaining agreement entered into between the employing 8115
authority and an exclusive representative as defined in section 8116
4117.01 of the Revised Code. 8117

Sec. 149.11. (A) Any department, division, bureau, board, or 8118
commission of the state government issuing a report, pamphlet, 8119
document, or other publication intended for general public use and 8120
distribution, which publication is reproduced by duplicating 8121
processes such as mimeograph, multigraph, planograph, rotaprint, 8122
or multilith, or printed internally or in print whether 8123
through a contract awarded to any person, company, or the state printing 8124
division of the department of administrative services, shall cause 8125

to be delivered to the state library ~~one hundred~~ fifty copies of 8126
the publication, subject to the provisions of section 125.42 of 8127
the Revised Code. 8128

(B) The state library board shall distribute the print 8129
publications so received as follows: 8130

~~(A)~~(1) Retain two copies in the state library; 8131

~~(B)~~(2) Send two copies to the document division of the 8132
library of congress; 8133

~~(C)~~(3) Send one copy to the Ohio history connection and to 8134
each public or college library in the state designated by the 8135
state library board to be a depository for state publications. In 8136
designating which libraries shall be depositories, the board shall 8137
select those libraries that can best preserve those publications 8138
and that are so located geographically as will make the 8139
publications conveniently accessible to residents in all areas of 8140
the state. 8141

~~(D)~~(4) Send one copy to each state in exchange for like 8142
publications of that state. 8143

(C) A department, division, bureau, board, or commission of 8144
the state government shall notify the state library of the 8145
availability of documents or other publications, intended for 8146
general public use and distribution, which are made available 8147
electronically on its internet web site. The state library shall 8148
retain electronic publications in the state library digital 8149
archive and provide permanent access and records to each public or 8150
college library in the state designated by the state library board 8151
to be a depository for state publications. 8152

(D) The print publications described in division (A) of this 8153
section and the electronic publications described in division (C) 8154
of this section shall be considered already prepared and available 8155

for inspection, and, subject to applicable copyright protections, 8156
reproduction by any person at all reasonable times during regular 8157
business hours at the state library and each library designated as 8158
a depository for state publications. 8159

(E) The provisions of this section do not apply to any 8160
publication of the general assembly or to the publications 8161
described in sections 149.07, 149.08, 149.091, and 149.17 of the 8162
Revised Code, except that the secretary of state shall forward to 8163
the document division of the library of congress two copies of all 8164
journals, two copies of the session laws as provided for in 8165
section 149.091 of the Revised Code, and two copies of all 8166
appropriation laws in separate form. 8167

Sec. 149.43. (A) As used in this section: 8168

(1) "Public record" means records kept by any public office, 8169
including, but not limited to, state, county, city, village, 8170
township, and school district units, and records pertaining to the 8171
delivery of educational services by an alternative school in this 8172
state kept by the nonprofit or for-profit entity operating the 8173
alternative school pursuant to section 3313.533 of the Revised 8174
Code. "Public record" does not mean any of the following: 8175

(a) Medical records; 8176

(b) Records pertaining to probation and parole proceedings, 8177
to proceedings related to the imposition of community control 8178
sanctions and post-release control sanctions, or to proceedings 8179
related to determinations under section 2967.271 of the Revised 8180
Code regarding the release or maintained incarceration of an 8181
offender to whom that section applies; 8182

(c) Records pertaining to actions under section 2151.85 and 8183
division (C) of section 2919.121 of the Revised Code and to 8184
appeals of actions arising under those sections; 8185

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	8186 8187 8188
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	8189 8190 8191 8192 8193 8194
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	8195 8196
(g) Trial preparation records;	8197
(h) Confidential law enforcement investigatory records;	8198
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	8199 8200
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	8201 8202
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	8203 8204 8205 8206
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	8207 8208 8209 8210
(m) Intellectual property records;	8211
(n) Donor profile records;	8212
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	8213 8214

(p) Designated public service worker residential and familial information;	8215 8216
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	8217 8218 8219 8220 8221
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	8222 8223
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	8224 8225 8226 8227 8228 8229 8230 8231 8232 8233 8234 8235
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	8236 8237 8238 8239
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	8240 8241 8242 8243 8244 8245

(v) Records the release of which is prohibited by state or federal law;	8246 8247
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	8248 8249 8250
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	8251 8252 8253 8254 8255 8256
(y) Records listed in section 5101.29 of the Revised Code;	8257
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	8258 8259 8260
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	8261 8262 8263
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	8264 8265 8266
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	8267 8268 8269
(dd) Personal information, as defined in section 149.45 of the Revised Code;	8270 8271
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any	8272 8273 8274 8275

application for absent voter's ballots, absent voter's ballot 8276
identification envelope statement of voter, or provisional ballot 8277
affirmation completed by a program participant who has a 8278
confidential voter registration record, and records or portions of 8279
records pertaining to that program that identify the number of 8280
program participants that reside within a precinct, ward, 8281
township, municipal corporation, county, or any other geographic 8282
area smaller than the state. As used in this division, 8283
"confidential address" and "program participant" have the meaning 8284
defined in section 111.41 of the Revised Code. 8285

(ff) Orders for active military service of an individual 8286
serving or with previous service in the armed forces of the United 8287
States, including a reserve component, or the Ohio organized 8288
militia, except that, such order becomes a public record on the 8289
day that is fifteen years after the published date or effective 8290
date of the call to order; 8291

(gg) The name, address, contact information, or other 8292
personal information of an individual who is less than eighteen 8293
years of age that is included in any record related to a traffic 8294
accident involving a school vehicle in which the individual was an 8295
occupant at the time of the accident; 8296

(hh) Protected health information, as defined in 45 C.F.R. 8297
160.103, that is in a claim for payment for a health care product, 8298
service, or procedure, as well as any other health claims data in 8299
another document that reveals the identity of an individual who is 8300
the subject of the data or could be used to reveal that 8301
individual's identity; 8302

(ii) Any depiction by photograph, film, videotape, or printed 8303
or digital image under either of the following circumstances: 8304

(i) The depiction is that of a victim of an offense the 8305
release of which would be, to a reasonable person of ordinary 8306

sensibilities, an offensive and objectionable intrusion into the 8307
victim's expectation of bodily privacy and integrity. 8308

(ii) The depiction captures or depicts the victim of a 8309
sexually oriented offense, as defined in section 2950.01 of the 8310
Revised Code, at the actual occurrence of that offense. 8311

(jj) Restricted portions of a body-worn camera or dashboard 8312
camera recording; 8313

(kk) In the case of a fetal-infant mortality review board 8314
acting under sections 3707.70 to 3707.77 of the Revised Code, 8315
records, documents, reports, or other information presented to the 8316
board or a person abstracting such materials on the board's 8317
behalf, statements made by review board members during board 8318
meetings, all work products of the board, and data submitted by 8319
the board to the department of health or a national infant death 8320
review database, other than the report prepared pursuant to 8321
section 3707.77 of the Revised Code. 8322

(ll) Records, documents, reports, or other information 8323
presented to the pregnancy-associated mortality review board 8324
established under section 3738.01 of the Revised Code, statements 8325
made by board members during board meetings, all work products of 8326
the board, and data submitted by the board to the department of 8327
health, other than the biennial reports prepared under section 8328
3738.08 of the Revised Code. 8329

A record that is not a public record under division (A)(1) of 8330
this section and that, under law, is permanently retained becomes 8331
a public record on the day that is seventy-five years after the 8332
day on which the record was created, except for any record 8333
protected by the attorney-client privilege, a trial preparation 8334
record as defined in this section, a statement prohibiting the 8335
release of identifying information signed under section 3107.083 8336
of the Revised Code, a denial of release form filed pursuant to 8337

section 3107.46 of the Revised Code, or any record that is exempt 8338
from release or disclosure under section 149.433 of the Revised 8339
Code. If the record is a birth certificate and a biological 8340
parent's name redaction request form has been accepted under 8341
section 3107.391 of the Revised Code, the name of that parent 8342
shall be redacted from the birth certificate before it is released 8343
under this paragraph. If any other section of the Revised Code 8344
establishes a time period for disclosure of a record that 8345
conflicts with the time period specified in this section, the time 8346
period in the other section prevails. 8347

(2) "Confidential law enforcement investigatory record" means 8348
any record that pertains to a law enforcement matter of a 8349
criminal, quasi-criminal, civil, or administrative nature, but 8350
only to the extent that the release of the record would create a 8351
high probability of disclosure of any of the following: 8352

(a) The identity of a suspect who has not been charged with 8353
the offense to which the record pertains, or of an information 8354
source or witness to whom confidentiality has been reasonably 8355
promised; 8356

(b) Information provided by an information source or witness 8357
to whom confidentiality has been reasonably promised, which 8358
information would reasonably tend to disclose the source's or 8359
witness's identity; 8360

(c) Specific confidential investigatory techniques or 8361
procedures or specific investigatory work product; 8362

(d) Information that would endanger the life or physical 8363
safety of law enforcement personnel, a crime victim, a witness, or 8364
a confidential information source. 8365

(3) "Medical record" means any document or combination of 8366
documents, except births, deaths, and the fact of admission to or 8367
discharge from a hospital, that pertains to the medical history, 8368

diagnosis, prognosis, or medical condition of a patient and that 8369
is generated and maintained in the process of medical treatment. 8370

(4) "Trial preparation record" means any record that contains 8371
information that is specifically compiled in reasonable 8372
anticipation of, or in defense of, a civil or criminal action or 8373
proceeding, including the independent thought processes and 8374
personal trial preparation of an attorney. 8375

(5) "Intellectual property record" means a record, other than 8376
a financial or administrative record, that is produced or 8377
collected by or for faculty or staff of a state institution of 8378
higher learning in the conduct of or as a result of study or 8379
research on an educational, commercial, scientific, artistic, 8380
technical, or scholarly issue, regardless of whether the study or 8381
research was sponsored by the institution alone or in conjunction 8382
with a governmental body or private concern, and that has not been 8383
publicly released, published, or patented. 8384

(6) "Donor profile record" means all records about donors or 8385
potential donors to a public institution of higher education 8386
except the names and reported addresses of the actual donors and 8387
the date, amount, and conditions of the actual donation. 8388

(7) "Designated public service worker" means a peace officer, 8389
parole officer, probation officer, bailiff, prosecuting attorney, 8390
assistant prosecuting attorney, correctional employee, county or 8391
multicounty corrections officer, community-based correctional 8392
facility employee, youth services employee, firefighter, EMT, 8393
medical director or member of a cooperating physician advisory 8394
board of an emergency medical service organization, state board of 8395
pharmacy employee, investigator of the bureau of criminal 8396
identification and investigation, judge, magistrate, or federal 8397
law enforcement officer. 8398

(8) "Designated public service worker residential and 8399

familial information" means any information that discloses any of 8400
the following about a designated public service worker: 8401

(a) The address of the actual personal residence of a 8402
designated public service worker, except for the following 8403
information: 8404

(i) The address of the actual personal residence of a 8405
prosecuting attorney or judge; and 8406

(ii) The state or political subdivision in which a designated 8407
public service worker resides. 8408

(b) Information compiled from referral to or participation in 8409
an employee assistance program; 8410

(c) The social security number, the residential telephone 8411
number, any bank account, debit card, charge card, or credit card 8412
number, or the emergency telephone number of, or any medical 8413
information pertaining to, a designated public service worker; 8414

(d) The name of any beneficiary of employment benefits, 8415
including, but not limited to, life insurance benefits, provided 8416
to a designated public service worker by the designated public 8417
service worker's employer; 8418

(e) The identity and amount of any charitable or employment 8419
benefit deduction made by the designated public service worker's 8420
employer from the designated public service worker's compensation, 8421
unless the amount of the deduction is required by state or federal 8422
law; 8423

(f) The name, the residential address, the name of the 8424
employer, the address of the employer, the social security number, 8425
the residential telephone number, any bank account, debit card, 8426
charge card, or credit card number, or the emergency telephone 8427
number of the spouse, a former spouse, or any child of a 8428
designated public service worker; 8429

(g) A photograph of a peace officer who holds a position or 8430
has an assignment that may include undercover or plain clothes 8431
positions or assignments as determined by the peace officer's 8432
appointing authority. 8433

(9) As used in divisions (A)(7) and (15) to (17) of this 8434
section: 8435

"Peace officer" has the meaning defined in section 109.71 of 8436
the Revised Code and also includes the superintendent and troopers 8437
of the state highway patrol; it does not include the sheriff of a 8438
county or a supervisory employee who, in the absence of the 8439
sheriff, is authorized to stand in for, exercise the authority of, 8440
and perform the duties of the sheriff. 8441

"Correctional employee" means any employee of the department 8442
of rehabilitation and correction who in the course of performing 8443
the employee's job duties has or has had contact with inmates and 8444
persons under supervision. 8445

"County or multicounty corrections officer" means any 8446
corrections officer employed by any county or multicounty 8447
correctional facility. 8448

"Youth services employee" means any employee of the 8449
department of youth services who in the course of performing the 8450
employee's job duties has or has had contact with children 8451
committed to the custody of the department of youth services. 8452

"Firefighter" means any regular, paid or volunteer, member of 8453
a lawfully constituted fire department of a municipal corporation, 8454
township, fire district, or village. 8455

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 8456
emergency medical services for a public emergency medical service 8457
organization. "Emergency medical service organization," 8458
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 8459
section 4765.01 of the Revised Code. 8460

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 8461
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"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code. 8464
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(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following: 8466
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(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; 8471
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(b) The social security number, birth date, or photographic image of a person under the age of eighteen; 8474
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(c) Any medical record, history, or information pertaining to a person under the age of eighteen; 8476
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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. 8478
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(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. 8484
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(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 8486
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(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a 8488
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"record" in section 149.011 of the Revised Code. 8491

(14) "Designee," "elected official," and "future official" 8492
have the meanings defined in section 109.43 of the Revised Code. 8493

(15) "Body-worn camera" means a visual and audio recording 8494
device worn on the person of a peace officer while the peace 8495
officer is engaged in the performance of the peace officer's 8496
duties. 8497

(16) "Dashboard camera" means a visual and audio recording 8498
device mounted on a peace officer's vehicle or vessel that is used 8499
while the peace officer is engaged in the performance of the peace 8500
officer's duties. 8501

(17) "Restricted portions of a body-worn camera or dashboard 8502
camera recording" means any visual or audio portion of a body-worn 8503
camera or dashboard camera recording that shows, communicates, or 8504
discloses any of the following: 8505

(a) The image or identity of a child or information that 8506
could lead to the identification of a child who is a primary 8507
subject of the recording when the law enforcement agency knows or 8508
has reason to know the person is a child based on the law 8509
enforcement agency's records or the content of the recording; 8510

(b) The death of a person or a deceased person's body, unless 8511
the death was caused by a peace officer or, subject to division 8512
(H)(1) of this section, the consent of the decedent's executor or 8513
administrator has been obtained; 8514

(c) The death of a peace officer, firefighter, paramedic, or 8515
other first responder, occurring while the decedent was engaged in 8516
the performance of official duties, unless, subject to division 8517
(H)(1) of this section, the consent of the decedent's executor or 8518
administrator has been obtained; 8519

(d) Grievous bodily harm, unless the injury was effected by a 8520

peace officer or, subject to division (H)(1) of this section, the 8521
consent of the injured person or the injured person's guardian has 8522
been obtained; 8523

(e) An act of severe violence against a person that results 8524
in serious physical harm to the person, unless the act and injury 8525
was effected by a peace officer or, subject to division (H)(1) of 8526
this section, the consent of the injured person or the injured 8527
person's guardian has been obtained; 8528

(f) Grievous bodily harm to a peace officer, firefighter, 8529
paramedic, or other first responder, occurring while the injured 8530
person was engaged in the performance of official duties, unless, 8531
subject to division (H)(1) of this section, the consent of the 8532
injured person or the injured person's guardian has been obtained; 8533

(g) An act of severe violence resulting in serious physical 8534
harm against a peace officer, firefighter, paramedic, or other 8535
first responder, occurring while the injured person was engaged in 8536
the performance of official duties, unless, subject to division 8537
(H)(1) of this section, the consent of the injured person or the 8538
injured person's guardian has been obtained; 8539

(h) A person's nude body, unless, subject to division (H)(1) 8540
of this section, the person's consent has been obtained; 8541

(i) Protected health information, the identity of a person in 8542
a health care facility who is not the subject of a law enforcement 8543
encounter, or any other information in a health care facility that 8544
could identify a person who is not the subject of a law 8545
enforcement encounter; 8546

(j) Information that could identify the alleged victim of a 8547
sex offense, menacing by stalking, or domestic violence; 8548

(k) Information, that does not constitute a confidential law 8549
enforcement investigatory record, that could identify a person who 8550
provides sensitive or confidential information to a law 8551

enforcement agency when the disclosure of the person's identity or 8552
the information provided could reasonably be expected to threaten 8553
or endanger the safety or property of the person or another 8554
person; 8555

(l) Personal information of a person who is not arrested, 8556
cited, charged, or issued a written warning by a peace officer; 8557

(m) Proprietary police contingency plans or tactics that are 8558
intended to prevent crime and maintain public order and safety; 8559

(n) A personal conversation unrelated to work between peace 8560
officers or between a peace officer and an employee of a law 8561
enforcement agency; 8562

(o) A conversation between a peace officer and a member of 8563
the public that does not concern law enforcement activities; 8564

(p) The interior of a residence, unless the interior of a 8565
residence is the location of an adversarial encounter with, or a 8566
use of force by, a peace officer; 8567

(q) Any portion of the interior of a private business that is 8568
not open to the public, unless an adversarial encounter with, or a 8569
use of force by, a peace officer occurs in that location. 8570

As used in division (A)(17) of this section: 8571

"Grievous bodily harm" has the same meaning as in section 8572
5924.120 of the Revised Code. 8573

"Health care facility" has the same meaning as in section 8574
1337.11 of the Revised Code. 8575

"Protected health information" has the same meaning as in 45 8576
C.F.R. 160.103. 8577

"Law enforcement agency" has the same meaning as in section 8578
2925.61 of the Revised Code. 8579

"Personal information" means any government-issued 8580

identification number, date of birth, address, financial 8581
information, or criminal justice information from the law 8582
enforcement automated data system or similar databases. 8583

"Sex offense" has the same meaning as in section 2907.10 of 8584
the Revised Code. 8585

"Firefighter," "paramedic," and "first responder" have the 8586
same meanings as in section 4765.01 of the Revised Code. 8587

(B)(1) Upon request and subject to division (B)(8) of this 8588
section, all public records responsive to the request shall be 8589
promptly prepared and made available for inspection to any person 8590
at all reasonable times during regular business hours. Subject to 8591
division (B)(8) of this section, upon request by any person, a 8592
public office or person responsible for public records shall make 8593
copies of the requested public record available to the requester 8594
at cost and within a reasonable period of time. If a public record 8595
contains information that is exempt from the duty to permit public 8596
inspection or to copy the public record, the public office or the 8597
person responsible for the public record shall make available all 8598
of the information within the public record that is not exempt. 8599
When making that public record available for public inspection or 8600
copying that public record, the public office or the person 8601
responsible for the public record shall notify the requester of 8602
any redaction or make the redaction plainly visible. A redaction 8603
shall be deemed a denial of a request to inspect or copy the 8604
redacted information, except if federal or state law authorizes or 8605
requires a public office to make the redaction. 8606

(2) To facilitate broader access to public records, a public 8607
office or the person responsible for public records shall organize 8608
and maintain public records in a manner that they can be made 8609
available for inspection or copying in accordance with division 8610
(B) of this section. A public office also shall have available a 8611
copy of its current records retention schedule at a location 8612

readily available to the public. If a requester makes an ambiguous 8613
or overly broad request or has difficulty in making a request for 8614
copies or inspection of public records under this section such 8615
that the public office or the person responsible for the requested 8616
public record cannot reasonably identify what public records are 8617
being requested, the public office or the person responsible for 8618
the requested public record may deny the request but shall provide 8619
the requester with an opportunity to revise the request by 8620
informing the requester of the manner in which records are 8621
maintained by the public office and accessed in the ordinary 8622
course of the public office's or person's duties. 8623

(3) If a request is ultimately denied, in part or in whole, 8624
the public office or the person responsible for the requested 8625
public record shall provide the requester with an explanation, 8626
including legal authority, setting forth why the request was 8627
denied. If the initial request was provided in writing, the 8628
explanation also shall be provided to the requester in writing. 8629
The explanation shall not preclude the public office or the person 8630
responsible for the requested public record from relying upon 8631
additional reasons or legal authority in defending an action 8632
commenced under division (C) of this section. 8633

(4) Unless specifically required or authorized by state or 8634
federal law or in accordance with division (B) of this section, no 8635
public office or person responsible for public records may limit 8636
or condition the availability of public records by requiring 8637
disclosure of the requester's identity or the intended use of the 8638
requested public record. Any requirement that the requester 8639
disclose the requester's identity or the intended use of the 8640
requested public record constitutes a denial of the request. 8641

(5) A public office or person responsible for public records 8642
may ask a requester to make the request in writing, may ask for 8643
the requester's identity, and may inquire about the intended use 8644

of the information requested, but may do so only after disclosing 8645
to the requester that a written request is not mandatory, that the 8646
requester may decline to reveal the requester's identity or the 8647
intended use, and when a written request or disclosure of the 8648
identity or intended use would benefit the requester by enhancing 8649
the ability of the public office or person responsible for public 8650
records to identify, locate, or deliver the public records sought 8651
by the requester. 8652

(6) If any person requests a copy of a public record in 8653
accordance with division (B) of this section, the public office or 8654
person responsible for the public record may require that person 8655
to pay in advance the cost involved in providing the copy of the 8656
public record in accordance with the choice made by the person 8657
requesting the copy under this division. The public office or the 8658
person responsible for the public record shall permit that person 8659
to choose to have the public record duplicated upon paper, upon 8660
the same medium upon which the public office or person responsible 8661
for the public record keeps it, or upon any other medium upon 8662
which the public office or person responsible for the public 8663
record determines that it reasonably can be duplicated as an 8664
integral part of the normal operations of the public office or 8665
person responsible for the public record. When the person 8666
requesting the copy makes a choice under this division, the public 8667
office or person responsible for the public record shall provide a 8668
copy of it in accordance with the choice made by that person. 8669
Nothing in this section requires a public office or person 8670
responsible for the public record to allow the person requesting a 8671
copy of the public record to make the copies of the public record. 8672

(7)(a) Upon a request made in accordance with division (B) of 8673
this section and subject to division (B)(6) of this section, a 8674
public office or person responsible for public records shall 8675
transmit a copy of a public record to any person by United States 8676

mail or by any other means of delivery or transmission within a 8677
reasonable period of time after receiving the request for the 8678
copy. The public office or person responsible for the public 8679
record may require the person making the request to pay in advance 8680
the cost of postage if the copy is transmitted by United States 8681
mail or the cost of delivery if the copy is transmitted other than 8682
by United States mail, and to pay in advance the costs incurred 8683
for other supplies used in the mailing, delivery, or transmission. 8684

(b) Any public office may adopt a policy and procedures that 8685
it will follow in transmitting, within a reasonable period of time 8686
after receiving a request, copies of public records by United 8687
States mail or by any other means of delivery or transmission 8688
pursuant to division (B)(7) of this section. A public office that 8689
adopts a policy and procedures under division (B)(7) of this 8690
section shall comply with them in performing its duties under that 8691
division. 8692

(c) In any policy and procedures adopted under division 8693
(B)(7) of this section: 8694

(i) A public office may limit the number of records requested 8695
by a person that the office will physically deliver by United 8696
States mail or by another delivery service to ten per month, 8697
unless the person certifies to the office in writing that the 8698
person does not intend to use or forward the requested records, or 8699
the information contained in them, for commercial purposes; 8700

(ii) A public office that chooses to provide some or all of 8701
its public records on a web site that is fully accessible to and 8702
searchable by members of the public at all times, other than 8703
during acts of God outside the public office's control or 8704
maintenance, and that charges no fee to search, access, download, 8705
or otherwise receive records provided on the web site, may limit 8706
to ten per month the number of records requested by a person that 8707
the office will deliver in a digital format, unless the requested 8708

records are not provided on the web site and unless the person 8709
certifies to the office in writing that the person does not intend 8710
to use or forward the requested records, or the information 8711
contained in them, for commercial purposes. 8712

(iii) For purposes of division (B)(7) of this section, 8713
"commercial" shall be narrowly construed and does not include 8714
reporting or gathering news, reporting or gathering information to 8715
assist citizen oversight or understanding of the operation or 8716
activities of government, or nonprofit educational research. 8717

(8) A public office or person responsible for public records 8718
is not required to permit a person who is incarcerated pursuant to 8719
a criminal conviction or a juvenile adjudication to inspect or to 8720
obtain a copy of any public record concerning a criminal 8721
investigation or prosecution or concerning what would be a 8722
criminal investigation or prosecution if the subject of the 8723
investigation or prosecution were an adult, unless the request to 8724
inspect or to obtain a copy of the record is for the purpose of 8725
acquiring information that is subject to release as a public 8726
record under this section and the judge who imposed the sentence 8727
or made the adjudication with respect to the person, or the 8728
judge's successor in office, finds that the information sought in 8729
the public record is necessary to support what appears to be a 8730
justiciable claim of the person. 8731

(9)(a) Upon written request made and signed by a journalist, 8732
a public office, or person responsible for public records, having 8733
custody of the records of the agency employing a specified 8734
designated public service worker shall disclose to the journalist 8735
the address of the actual personal residence of the designated 8736
public service worker and, if the designated public service 8737
worker's spouse, former spouse, or child is employed by a public 8738
office, the name and address of the employer of the designated 8739
public service worker's spouse, former spouse, or child. The 8740

request shall include the journalist's name and title and the name 8741
and address of the journalist's employer and shall state that 8742
disclosure of the information sought would be in the public 8743
interest. 8744

(b) Division (B)(9)(a) of this section also applies to 8745
journalist requests for: 8746

(i) Customer information maintained by a municipally owned or 8747
operated public utility, other than social security numbers and 8748
any private financial information such as credit reports, payment 8749
methods, credit card numbers, and bank account information; 8750

(ii) Information about minors involved in a school vehicle 8751
accident as provided in division (A)(1)(gg) of this section, other 8752
than personal information as defined in section 149.45 of the 8753
Revised Code. 8754

(c) As used in division (B)(9) of this section, "journalist" 8755
means a person engaged in, connected with, or employed by any news 8756
medium, including a newspaper, magazine, press association, news 8757
agency, or wire service, a radio or television station, or a 8758
similar medium, for the purpose of gathering, processing, 8759
transmitting, compiling, editing, or disseminating information for 8760
the general public. 8761

(10) Upon a request made by a victim, victim's attorney, or 8762
victim's representative, as that term is used in section 2930.02 8763
of the Revised Code, a public office or person responsible for 8764
public records shall transmit a copy of a depiction of the victim 8765
as described in division (A)(1)(gg) of this section to the victim, 8766
victim's attorney, or victim's representative. 8767

(C)(1) If a person allegedly is aggrieved by the failure of a 8768
public office or the person responsible for public records to 8769
promptly prepare a public record and to make it available to the 8770
person for inspection in accordance with division (B) of this 8771

section or by any other failure of a public office or the person 8772
responsible for public records to comply with an obligation in 8773
accordance with division (B) of this section, the person allegedly 8774
aggrieved may do only one of the following, and not both: 8775

(a) File a complaint with the clerk of the court of claims or 8776
the clerk of the court of common pleas under section 2743.75 of 8777
the Revised Code; 8778

(b) Commence a mandamus action to obtain a judgment that 8779
orders the public office or the person responsible for the public 8780
record to comply with division (B) of this section, that awards 8781
court costs and reasonable attorney's fees to the person that 8782
instituted the mandamus action, and, if applicable, that includes 8783
an order fixing statutory damages under division (C)(2) of this 8784
section. The mandamus action may be commenced in the court of 8785
common pleas of the county in which division (B) of this section 8786
allegedly was not complied with, in the supreme court pursuant to 8787
its original jurisdiction under Section 2 of Article IV, Ohio 8788
Constitution, or in the court of appeals for the appellate 8789
district in which division (B) of this section allegedly was not 8790
complied with pursuant to its original jurisdiction under Section 8791
3 of Article IV, Ohio Constitution. 8792

(2) If a requester transmits a written request by hand 8793
delivery, electronic submission, or certified mail to inspect or 8794
receive copies of any public record in a manner that fairly 8795
describes the public record or class of public records to the 8796
public office or person responsible for the requested public 8797
records, except as otherwise provided in this section, the 8798
requester shall be entitled to recover the amount of statutory 8799
damages set forth in this division if a court determines that the 8800
public office or the person responsible for public records failed 8801
to comply with an obligation in accordance with division (B) of 8802
this section. 8803

The amount of statutory damages shall be fixed at one hundred 8804
dollars for each business day during which the public office or 8805
person responsible for the requested public records failed to 8806
comply with an obligation in accordance with division (B) of this 8807
section, beginning with the day on which the requester files a 8808
mandamus action to recover statutory damages, up to a maximum of 8809
one thousand dollars. The award of statutory damages shall not be 8810
construed as a penalty, but as compensation for injury arising 8811
from lost use of the requested information. The existence of this 8812
injury shall be conclusively presumed. The award of statutory 8813
damages shall be in addition to all other remedies authorized by 8814
this section. 8815

The court may reduce an award of statutory damages or not 8816
award statutory damages if the court determines both of the 8817
following: 8818

(a) That, based on the ordinary application of statutory law 8819
and case law as it existed at the time of the conduct or 8820
threatened conduct of the public office or person responsible for 8821
the requested public records that allegedly constitutes a failure 8822
to comply with an obligation in accordance with division (B) of 8823
this section and that was the basis of the mandamus action, a 8824
well-informed public office or person responsible for the 8825
requested public records reasonably would believe that the conduct 8826
or threatened conduct of the public office or person responsible 8827
for the requested public records did not constitute a failure to 8828
comply with an obligation in accordance with division (B) of this 8829
section; 8830

(b) That a well-informed public office or person responsible 8831
for the requested public records reasonably would believe that the 8832
conduct or threatened conduct of the public office or person 8833
responsible for the requested public records would serve the 8834
public policy that underlies the authority that is asserted as 8835

permitting that conduct or threatened conduct. 8836

(3) In a mandamus action filed under division (C)(1) of this 8837
section, the following apply: 8838

(a)(i) If the court orders the public office or the person 8839
responsible for the public record to comply with division (B) of 8840
this section, the court shall determine and award to the relator 8841
all court costs, which shall be construed as remedial and not 8842
punitive. 8843

(ii) If the court makes a determination described in division 8844
(C)(3)(b)(iii) of this section, the court shall determine and 8845
award to the relator all court costs, which shall be construed as 8846
remedial and not punitive. 8847

(b) If the court renders a judgment that orders the public 8848
office or the person responsible for the public record to comply 8849
with division (B) of this section or if the court determines any 8850
of the following, the court may award reasonable attorney's fees 8851
to the relator, subject to division (C)(4) of this section: 8852

(i) The public office or the person responsible for the 8853
public records failed to respond affirmatively or negatively to 8854
the public records request in accordance with the time allowed 8855
under division (B) of this section. 8856

(ii) The public office or the person responsible for the 8857
public records promised to permit the relator to inspect or 8858
receive copies of the public records requested within a specified 8859
period of time but failed to fulfill that promise within that 8860
specified period of time. 8861

(iii) The public office or the person responsible for the 8862
public records acted in bad faith when the office or person 8863
voluntarily made the public records available to the relator for 8864
the first time after the relator commenced the mandamus action, 8865
but before the court issued any order concluding whether or not 8866

the public office or person was required to comply with division 8867
(B) of this section. No discovery may be conducted on the issue of 8868
the alleged bad faith of the public office or person responsible 8869
for the public records. This division shall not be construed as 8870
creating a presumption that the public office or the person 8871
responsible for the public records acted in bad faith when the 8872
office or person voluntarily made the public records available to 8873
the relator for the first time after the relator commenced the 8874
mandamus action, but before the court issued any order described 8875
in this division. 8876

(c) The court shall not award attorney's fees to the relator 8877
if the court determines both of the following: 8878

(i) That, based on the ordinary application of statutory law 8879
and case law as it existed at the time of the conduct or 8880
threatened conduct of the public office or person responsible for 8881
the requested public records that allegedly constitutes a failure 8882
to comply with an obligation in accordance with division (B) of 8883
this section and that was the basis of the mandamus action, a 8884
well-informed public office or person responsible for the 8885
requested public records reasonably would believe that the conduct 8886
or threatened conduct of the public office or person responsible 8887
for the requested public records did not constitute a failure to 8888
comply with an obligation in accordance with division (B) of this 8889
section; 8890

(ii) That a well-informed public office or person responsible 8891
for the requested public records reasonably would believe that the 8892
conduct or threatened conduct of the public office or person 8893
responsible for the requested public records would serve the 8894
public policy that underlies the authority that is asserted as 8895
permitting that conduct or threatened conduct. 8896

(4) All of the following apply to any award of reasonable 8897
attorney's fees awarded under division (C)(3)(b) of this section: 8898

(a) The fees shall be construed as remedial and not punitive. 8899

(b) The fees awarded shall not exceed the total of the 8900
reasonable attorney's fees incurred before the public record was 8901
made available to the relator and the fees described in division 8902
(C)(4)(c) of this section. 8903

(c) Reasonable attorney's fees shall include reasonable fees 8904
incurred to produce proof of the reasonableness and amount of the 8905
fees and to otherwise litigate entitlement to the fees. 8906

(d) The court may reduce the amount of fees awarded if the 8907
court determines that, given the factual circumstances involved 8908
with the specific public records request, an alternative means 8909
should have been pursued to more effectively and efficiently 8910
resolve the dispute that was subject to the mandamus action filed 8911
under division (C)(1) of this section. 8912

(5) If the court does not issue a writ of mandamus under 8913
division (C) of this section and the court determines at that time 8914
that the bringing of the mandamus action was frivolous conduct as 8915
defined in division (A) of section 2323.51 of the Revised Code, 8916
the court may award to the public office all court costs, 8917
expenses, and reasonable attorney's fees, as determined by the 8918
court. 8919

(D) Chapter 1347. of the Revised Code does not limit the 8920
provisions of this section. 8921

(E)(1) To ensure that all employees of public offices are 8922
appropriately educated about a public office's obligations under 8923
division (B) of this section, all elected officials or their 8924
appropriate designees shall attend training approved by the 8925
attorney general as provided in section 109.43 of the Revised 8926
Code. A future official may satisfy the requirements of this 8927
division by attending the training before taking office, provided 8928
that the future official may not send a designee in the future 8929

official's place. 8930

(2) All public offices shall adopt a public records policy in 8931
compliance with this section for responding to public records 8932
requests. In adopting a public records policy under this division, 8933
a public office may obtain guidance from the model public records 8934
policy developed and provided to the public office by the attorney 8935
general under section 109.43 of the Revised Code. Except as 8936
otherwise provided in this section, the policy may not limit the 8937
number of public records that the public office will make 8938
available to a single person, may not limit the number of public 8939
records that it will make available during a fixed period of time, 8940
and may not establish a fixed period of time before it will 8941
respond to a request for inspection or copying of public records, 8942
unless that period is less than eight hours. 8943

The public office shall distribute the public records policy 8944
adopted by the public office under this division to the employee 8945
of the public office who is the records custodian or records 8946
manager or otherwise has custody of the records of that office. 8947
The public office shall require that employee to acknowledge 8948
receipt of the copy of the public records policy. The public 8949
office shall create a poster that describes its public records 8950
policy and shall post the poster in a conspicuous place in the 8951
public office and in all locations where the public office has 8952
branch offices. The public office may post its public records 8953
policy on the internet web site of the public office if the public 8954
office maintains an internet web site. A public office that has 8955
established a manual or handbook of its general policies and 8956
procedures for all employees of the public office shall include 8957
the public records policy of the public office in the manual or 8958
handbook. 8959

(F)(1) The bureau of motor vehicles may adopt rules pursuant 8960
to Chapter 119. of the Revised Code to reasonably limit the number 8961

of bulk commercial special extraction requests made by a person 8962
for the same records or for updated records during a calendar 8963
year. The rules may include provisions for charges to be made for 8964
bulk commercial special extraction requests for the actual cost of 8965
the bureau, plus special extraction costs, plus ten per cent. The 8966
bureau may charge for expenses for redacting information, the 8967
release of which is prohibited by law. 8968

(2) As used in division (F)(1) of this section: 8969

(a) "Actual cost" means the cost of depleted supplies, 8970
records storage media costs, actual mailing and alternative 8971
delivery costs, or other transmitting costs, and any direct 8972
equipment operating and maintenance costs, including actual costs 8973
paid to private contractors for copying services. 8974

(b) "Bulk commercial special extraction request" means a 8975
request for copies of a record for information in a format other 8976
than the format already available, or information that cannot be 8977
extracted without examination of all items in a records series, 8978
class of records, or database by a person who intends to use or 8979
forward the copies for surveys, marketing, solicitation, or resale 8980
for commercial purposes. "Bulk commercial special extraction 8981
request" does not include a request by a person who gives 8982
assurance to the bureau that the person making the request does 8983
not intend to use or forward the requested copies for surveys, 8984
marketing, solicitation, or resale for commercial purposes. 8985

(c) "Commercial" means profit-seeking production, buying, or 8986
selling of any good, service, or other product. 8987

(d) "Special extraction costs" means the cost of the time 8988
spent by the lowest paid employee competent to perform the task, 8989
the actual amount paid to outside private contractors employed by 8990
the bureau, or the actual cost incurred to create computer 8991
programs to make the special extraction. "Special extraction 8992

costs" include any charges paid to a public agency for computer or 8993
records services. 8994

(3) For purposes of divisions (F)(1) and (2) of this section, 8995
"surveys, marketing, solicitation, or resale for commercial 8996
purposes" shall be narrowly construed and does not include 8997
reporting or gathering news, reporting or gathering information to 8998
assist citizen oversight or understanding of the operation or 8999
activities of government, or nonprofit educational research. 9000

(G) A request by a defendant, counsel of a defendant, or any 9001
agent of a defendant in a criminal action that public records 9002
related to that action be made available under this section shall 9003
be considered a demand for discovery pursuant to the Criminal 9004
Rules, except to the extent that the Criminal Rules plainly 9005
indicate a contrary intent. The defendant, counsel of the 9006
defendant, or agent of the defendant making a request under this 9007
division shall serve a copy of the request on the prosecuting 9008
attorney, director of law, or other chief legal officer 9009
responsible for prosecuting the action. 9010

(H)(1) Any portion of a body-worn camera or dashboard camera 9011
recording described in divisions (A)(17)(b) to (h) of this section 9012
may be released by consent of the subject of the recording or a 9013
representative of that person, as specified in those divisions, 9014
only if either of the following applies: 9015

(a) The recording will not be used in connection with any 9016
probable or pending criminal proceedings; 9017

(b) The recording has been used in connection with a criminal 9018
proceeding that was dismissed or for which a judgment has been 9019
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 9020
and will not be used again in connection with any probable or 9021
pending criminal proceedings. 9022

(2) If a public office denies a request to release a 9023

restricted portion of a body-worn camera or dashboard camera 9024
recording, as defined in division (A)(17) of this section, any 9025
person may file a mandamus action pursuant to this section or a 9026
complaint with the clerk of the court of claims pursuant to 9027
section 2743.75 of the Revised Code, requesting the court to order 9028
the release of all or portions of the recording. If the court 9029
considering the request determines that the filing articulates by 9030
clear and convincing evidence that the public interest in the 9031
recording substantially outweighs privacy interests and other 9032
interests asserted to deny release, the court shall order the 9033
public office to release the recording. 9034

Sec. 153.02. (A) The executive director of the Ohio 9035
facilities construction commission, may debar a contractor from 9036
contract awards for public improvements as referred to in section 9037
153.01 of the Revised Code or for projects as defined in section 9038
3318.01 of the Revised Code, upon proof that the contractor has 9039
done any of the following: 9040

(1) Defaulted on a contract requiring the execution of a 9041
takeover agreement as set forth in division (B) of section 153.17 9042
of the Revised Code; 9043

(2) Knowingly failed during the course of a contract to 9044
maintain the coverage required by the bureau of workers' 9045
compensation; 9046

(3) Knowingly failed during the course of a contract to 9047
maintain the contractor's drug-free workplace program as required 9048
by the contract; 9049

(4) Knowingly failed during the course of a contract to 9050
maintain insurance required by the contract or otherwise by law, 9051
resulting in a substantial loss to the owner, as owner is referred 9052
to in section 153.01 of the Revised Code, or to the commission and 9053
school district board, as provided in division (F) of section 9054

3318.08 of the Revised Code; 9055

(5) Misrepresented the firm's qualifications in the selection 9056
process set forth in sections 153.65 to 153.71 or section 3318.10 9057
of the Revised Code; 9058

(6) Been convicted of a criminal offense related to the 9059
application for or performance of any public or private contract, 9060
including, but not limited to, embezzlement, theft, forgery, 9061
bribery, falsification or destruction of records, receiving stolen 9062
property, and any other offense that directly reflects on the 9063
contractor's business integrity; 9064

(7) Been convicted of a criminal offense under state or 9065
federal antitrust laws; 9066

(8) Deliberately or willfully submitted false or misleading 9067
information in connection with the application for or performance 9068
of a public contract; 9069

(9) Been debarred from bidding on or participating in a 9070
contract with any state or federal agency. 9071

(B) When the executive director debar a contractor that is a 9072
partnership, association, or corporation, the executive director 9073
also may debar any partner of the partnership or any officer or 9074
director of the association or corporation, as applicable. 9075

(C) When the executive director reasonably believes that 9076
grounds for debarment exist, the executive director shall send the 9077
contractor a notice of proposed debarment indicating the grounds 9078
for the proposed debarment and the procedure for requesting a 9079
hearing on the proposed debarment. The hearing shall be conducted 9080
in accordance with Chapter 119. of the Revised Code. If the 9081
contractor does not respond with a request for a hearing in the 9082
manner specified in Chapter 119. of the Revised Code, the 9083
executive director shall issue the debarment decision without a 9084
hearing and shall notify the contractor of the decision by 9085

certified mail, return receipt requested. 9086

(D) The executive director shall determine the length of the 9087
debarment period and may rescind the debarment at any time upon 9088
notification to the contractor. During the period of debarment, 9089
the contractor is not eligible to bid for or participate in any 9090
contract for a public improvement as referred to in section 153.01 9091
of the Revised Code or for a project as defined in section 3318.01 9092
of the Revised Code. After the debarment period expires, the 9093
contractor ~~shall~~ may be eligible to bid for and participate in 9094
such contracts if the vendor is not otherwise debarred. 9095

(E) The executive director shall maintain a list of all 9096
contractors currently debarred under this section. Any 9097
governmental entity awarding a contract for construction of a 9098
public improvement or project may use a contractor's presence on 9099
the debarment list to determine whether a contractor is 9100
responsible or best under section 9.312 or any other section of 9101
the Revised Code in the award of a contract. 9102

(F) As used in this section, "contractor" means a 9103
construction contracting business, a subcontractor of a 9104
construction contracting business, a supplier of materials, or a 9105
manufacturer of materials. 9106

Sec. 165.01. As used in this chapter: 9107

~~(A) "Agency" means a community improvement corporation 9108
organized under Chapter 1724. of the Revised Code and designated, 9109
pursuant to section 1724.10 of the Revised Code, as the agency of 9110
a municipal corporation or county. 9111~~

~~(B) "Bonds" means bonds, notes, or other forms of evidences 9112
of obligation issued in temporary or definitive form, including 9113
notes issued in anticipation of the issuance of bonds and renewal 9114
notes. The funding of bond anticipation notes with bonds or 9115~~

renewal notes and the exchange of definitive bonds for temporary 9116
bonds are not subject to section 165.07 of the Revised Code. 9117

~~(C)~~ "Bond proceedings" means the resolution or ordinance or 9118
the trust agreement or indenture of mortgage, or combination 9119
thereof, authorizing or providing for the terms and conditions 9120
applicable to bonds issued under authority of this chapter. 9121

~~(D)~~ "Issuer" means the state, ~~or a county, township, or~~ 9122
municipal corporation of ~~this the~~ state ~~which county or municipal~~ 9123
~~corporation has, pursuant to section 1724.10 of the Revised Code,~~ 9124
~~designated a community improvement corporation as its agency for~~ 9125
~~industrial, commercial, distribution, and research development and~~ 9126
~~for which a plan has been prepared by such community improvement~~ 9127
~~corporation and confirmed by its issuing authority.~~ 9128

~~(E)~~ "Issuing authority" means in the case of the state, the 9129
director of development services; in the case of a municipal 9130
corporation, the legislative authority thereof; in the case of a 9131
township, the board of township trustees; and in the case of a 9132
county, the board of county commissioners or whatever officers, 9133
board, commission, council, or other body might succeed to the 9134
legislative powers of the commissioners. 9135

~~(F)~~ "Plan" ~~means a plan prepared by the agency pursuant to~~ 9136
~~section 1724.10 of the Revised Code, and confirmed by the issuing~~ 9137
~~authority of a municipal corporation or county.~~ 9138

~~(G)~~ "Pledged facilities" means the project or projects 9139
mortgaged or the rentals, revenues, and other income, charges, and 9140
moneys from which are pledged, or both, for the payment of the 9141
principal of and interest on the bonds issued under authority of 9142
section 165.03 of the Revised Code, and includes a project for 9143
which a loan has been made under authority of this chapter, in 9144
which case, references in this chapter to revenues of such pledged 9145
facilities or from the disposition thereof includes payments made 9146

or to be made to or for the account of the issuer pursuant to such 9147
loan. 9148

~~(H)~~ "Project" means real or personal property, or both, 9149
including undivided and other interests therein, acquired by gift 9150
or purchase, constructed, reconstructed, enlarged, improved, 9151
furnished, or equipped, or any combination thereof, by an issuer, 9152
or by others in whole or in part from the proceeds of a loan made 9153
by an issuer, for industry, commerce, distribution, or research 9154
and located within the boundaries of the issuer. "Project" 9155
includes sanitary facilities, drainage facilities, and prevention 9156
or replacement facilities as defined in section 6117.01 of the 9157
Revised Code. A project as defined in this division is hereby 9158
determined to qualify as facilities described in Section 13 of 9159
Article VIII, Ohio Constitution. 9160

~~(I)~~ "Revenues" means the rentals, revenues, payments, 9161
repayments, income, charges, and moneys derived or to be derived 9162
from the use, lease, sublease, rental, sale, including installment 9163
sale or conditional sale, or other disposition of pledged 9164
facilities, or derived or to be derived pursuant to a loan made 9165
for a project, bond proceeds to the extent provided in the bond 9166
proceedings for the payment of principal of, or premium, if any, 9167
or interest on the bonds, proceeds from any insurance, 9168
condemnation or guaranty pertaining to pledged facilities or the 9169
financing thereof, and income and profit from the investment of 9170
the proceeds of bonds or of any revenues. 9171

~~(J)~~ "Security interest" means a mortgage, lien, or other 9172
encumbrance on, or pledge or assignment of, or other security 9173
interest with respect to all or any part of pledged facilities, 9174
revenues, reserve funds, or other funds established under the bond 9175
proceedings, or on, of, or with respect to, a lease, sublease, 9176
sale, conditional sale or installment sale agreement, loan 9177
agreement, or any other agreement pertaining to the lease, 9178

sublease, sale, or other disposition of a project or pertaining to 9179
a loan made for a project, or any guaranty or insurance agreement 9180
made with respect thereto, or any interest of the issuer therein, 9181
or any other interest granted, assigned, or released to secure 9182
payments of the principal of, premium, if any, or interest on any 9183
bonds or to secure any other payments to be made by an issuer 9184
under the bond proceedings. Any security interest under this 9185
chapter may be prior or subordinate to or on a parity with any 9186
other mortgage, lien, encumbrance, pledge, assignment, or other 9187
security interest. 9188

Sec. 165.03. (A) An issuer may issue bonds for the purpose of 9189
providing moneys to acquire by purchase, construct, reconstruct, 9190
enlarge, improve, furnish, or equip one or more projects or parts 9191
thereof, or for any combination of such purposes, including 9192
providing moneys to make loans to others for such purposes. The 9193
issuing authority shall provide by resolution or ordinance for the 9194
issuance of such bonds. The bond proceedings may contain 9195
determinations by the issuing authority that the project to be 9196
financed thereunder is a project as defined in this chapter and is 9197
consistent with the purposes of Section 13 of Article VIII, Ohio 9198
Constitution, and such determinations shall be conclusive as to 9199
the validity and enforceability of the bonds issued under such 9200
bond proceedings and of such bond proceedings and security 9201
interests given and leases, subleases, sale agreements, loan 9202
agreements, and other agreements made in connection therewith, all 9203
in accordance with their terms. 9204

The principal of and interest on the bonds and all other 9205
payments required to be made by the bond proceedings shall be 9206
payable solely from the revenues and secured by security interests 9207
as provided in such bond proceedings. Bond anticipation notes may 9208
be secured, solely or additionally, by a covenant of the issuer 9209
that it will do all things necessary for the issuance of the bonds 9210

anticipated or renewal notes in appropriate amount and either 9211
exchange such bonds or renewal notes for such notes or apply the 9212
proceeds therefrom to the extent necessary to make full payment of 9213
the principal of and interest on such notes. The bond proceedings 9214
shall not obligate or pledge moneys raised by taxation. 9215

Bonds may be issued at one time or from time to time, shall 9216
be dated, shall mature at such time or times not exceeding thirty 9217
years from date of issue, and may be redeemable before maturity at 9218
such price or prices and under such terms and conditions, all as 9219
provided in the bond proceedings. The bonds shall bear interest at 9220
such rate or rates, or at a variable rate or rates changing from 9221
time to time in accordance with a base or formula, as provided in 9222
or authorized by the bond proceedings. The issuing authority shall 9223
determine the form of the bonds, fix their denominations and 9224
method of execution, and establish within or without the state a 9225
place or places for the payment of principal or interest. 9226

(B) The issuing authority may provide for sales of bonds at 9227
public or private sale as it deems most advantageous and for such 9228
prices, whether above or below the par value thereof, as it 9229
determines or within such limit or limits as it determines. 9230

~~(C) If the issuer is a county or municipal corporation, then,~~ 9231
~~prior to the delivery of bonds issued under authority of this~~ 9232
~~section, the issuing authority shall first have received from its~~ 9233
~~agency a certification that a project to be financed by the~~ 9234
~~issuance of such bonds is in accordance with the plan, except that~~ 9235
~~no such certification is necessary if the project is a sanitary~~ 9236
~~facility, drainage facility, or prevention or replacement facility~~ 9237
~~as defined in section 6117.01 of the Revised Code. If the state is~~ 9238
the issuer, then ~~prior to~~ before the authorization of the bonds, 9239
the issuing authority of the state shall have received a written 9240
request for the issuance of the bonds from either the board of 9241
directors of a port authority created pursuant to the authority of 9242

section 4582.02 or 4582.22 of the Revised Code if the project is 9243
within the jurisdiction of the port authority ~~or~~ from the 9244
issuing authority of the municipal corporation, if the project is 9245
within the boundaries of a municipal corporation, or from the 9246
issuing authority of the township or county, if the project is 9247
within the unincorporated portion of the township or county, ~~and~~ 9248
~~if the project is to be located within a municipal corporation~~ 9249
~~with a plan or in an unincorporated portion of the county with a~~ 9250
~~plan, then prior to the delivery of bonds issued under this~~ 9251
~~section, the issuing authority shall first have received from the~~ 9252
~~agency of the municipal corporation if within its limits, or from~~ 9253
~~the agency of the county if in unincorporated territory, a~~ 9254
~~certification that such project is in accordance with its plan,~~ 9255
~~except that no such certification is necessary if the request for~~ 9256
~~issuance of the bonds is made by the port authority.~~ 9257

(D) If the issuer is a county, township, or municipal 9258
corporation, then, ~~prior to~~ before the delivery of bonds issued 9259
under authority of this section, the issuing authority shall have 9260
caused a written notice to have been mailed by certified mail to 9261
the director of ~~the department of~~ development services of the 9262
state advising such director of the proposed delivery of the 9263
bonds, the amount thereof, the proposed lessee, and a general 9264
description of the project or projects to be financed. 9265

(E) In case any officer who has signed any bonds or coupons 9266
pertaining thereto, or caused the officer's facsimile signature to 9267
be affixed thereto, ceases to be such officer before such bonds or 9268
coupons have been delivered, such bonds or coupons may, 9269
nevertheless, be issued and delivered as though the person who had 9270
signed the bonds or coupons or caused the person's facsimile 9271
signature to be affixed thereto had not ceased to be such officer. 9272
Any bonds or coupons may be executed on behalf of the issuer by an 9273
officer who, on the date of execution, is the proper officer 9274

although on the date of such bonds or coupons such person was not 9275
the proper officer. 9276

(F) All bonds issued under authority of this chapter, 9277
regardless of form or terms and regardless of any other law to the 9278
contrary, shall have all qualities and incidents of negotiable 9279
instruments, subject to provisions for registration, and may be 9280
issued in coupon, fully registered, or other form, or any 9281
combination thereof, as the issuing authority determines. 9282
Provision may be made for the registration of any coupon bonds as 9283
to principal alone or as to both principal and interest, and for 9284
the conversion into coupon bonds of any fully registered bonds or 9285
bonds registered as to both principal and interest. 9286

Sec. 166.01. As used in this chapter: 9287

(A) "Allowable costs" means all or part of the costs of 9288
project facilities, eligible projects, eligible innovation 9289
projects, eligible research and development projects, eligible 9290
advanced energy projects, or eligible logistics and distribution 9291
projects, including costs of acquiring, constructing, 9292
reconstructing, rehabilitating, renovating, enlarging, improving, 9293
equipping, or furnishing project facilities, eligible projects, 9294
eligible innovation projects, eligible research and development 9295
projects, eligible advanced energy projects, or eligible logistics 9296
and distribution projects, site clearance and preparation, 9297
supplementing and relocating public capital improvements or 9298
utility facilities, designs, plans, specifications, surveys, 9299
studies, and estimates of costs, expenses necessary or incident to 9300
determining the feasibility or practicability of assisting an 9301
eligible project, an eligible innovation project, an eligible 9302
research and development project, an eligible advanced energy 9303
project, or an eligible logistics and distribution project, or 9304
providing project facilities or facilities related to an eligible 9305

project, an eligible innovation project, an eligible research and 9306
development project, an eligible advanced energy project, or an 9307
eligible logistics and distribution project, architectural, 9308
engineering, and legal services fees and expenses, the costs of 9309
conducting any other activities as part of a voluntary action, and 9310
such other expenses as may be necessary or incidental to the 9311
establishment or development of an eligible project, an eligible 9312
innovation project, an eligible research and development project, 9313
an eligible advanced energy project, or an eligible logistics and 9314
distribution project, and reimbursement of moneys advanced or 9315
applied by any governmental agency or other person for allowable 9316
costs. 9317

(B) "Allowable innovation costs" includes allowable costs of 9318
eligible innovation projects and, in addition, includes the costs 9319
of research and development of eligible innovation projects; 9320
obtaining or creating any requisite software or computer hardware 9321
related to an eligible innovation project or the products or 9322
services associated therewith; testing (including, without 9323
limitation, quality control activities necessary for initial 9324
production), perfecting, and marketing of such products and 9325
services; creating and protecting intellectual property related to 9326
an eligible innovation project or any products or services related 9327
thereto, including costs of securing appropriate patent, 9328
trademark, trade secret, trade dress, copyright, or other form of 9329
intellectual property protection for an eligible innovation 9330
project or related products and services; all to the extent that 9331
such expenditures could be capitalized under then-applicable 9332
generally accepted accounting principles; and the reimbursement of 9333
moneys advanced or applied by any governmental agency or other 9334
person for allowable innovation costs. 9335

(C) "Eligible innovation project" includes an eligible 9336
project, including any project facilities associated with an 9337

eligible innovation project and, in addition, includes all 9338
tangible and intangible property related to a new product or 9339
process based on new technology or the creative application of 9340
existing technology, including research and development, product 9341
or process testing, quality control, market research, and related 9342
activities, that is to be acquired, established, expanded, 9343
remodeled, rehabilitated, or modernized for industry, commerce, 9344
distribution, or research, or any combination thereof, the 9345
operation of which, alone or in conjunction with other eligible 9346
projects, eligible innovation projects, or innovation property, 9347
will create new jobs or preserve existing jobs and employment 9348
opportunities and improve the economic welfare of the people of 9349
the state. 9350

(D) "Eligible project" means project facilities to be 9351
acquired, established, expanded, remodeled, rehabilitated, or 9352
modernized for industry, commerce, distribution, or research, or 9353
any combination thereof, the operation of which, alone or in 9354
conjunction with other facilities, will create new jobs or 9355
preserve existing jobs and employment opportunities and improve 9356
the economic welfare of the people of the state. "Eligible 9357
project" includes, without limitation, a voluntary action. For 9358
purposes of this division, "new jobs" does not include existing 9359
jobs transferred from another facility within the state, and 9360
"existing jobs" includes only those existing jobs with work places 9361
within the municipal corporation or unincorporated area of the 9362
county in which the eligible project is located. 9363

"Eligible project" does not include project facilities to be 9364
acquired, established, expanded, remodeled, rehabilitated, or 9365
modernized for industry, commerce, distribution, or research, or 9366
any combination of industry, commerce, distribution, or research, 9367
if the project facilities consist solely of 9368
point-of-final-purchase retail facilities. If the project 9369

facilities consist of both point-of-final-purchase retail 9370
facilities and nonretail facilities, only the portion of the 9371
project facilities consisting of nonretail facilities is an 9372
eligible project. If a warehouse facility is part of a 9373
point-of-final-purchase retail facility and supplies only that 9374
facility, the warehouse facility is not an eligible project. 9375
Catalog distribution facilities are not considered 9376
point-of-final-purchase retail facilities for purposes of this 9377
paragraph, and are eligible projects. 9378

(E) "Eligible research and development project" means an 9379
eligible project, including project facilities, comprising, 9380
within, or related to, a facility or portion of a facility at 9381
which research is undertaken for the purpose of discovering 9382
information that is technological in nature and the application of 9383
which is intended to be useful in the development of a new or 9384
improved product, process, technique, formula, or invention, a new 9385
product or process based on new technology, or the creative 9386
application of existing technology. 9387

(F) "Financial assistance" means inducements under division 9388
(B) of section 166.02 of the Revised Code, loan guarantees under 9389
section 166.06 of the Revised Code, and direct loans under section 9390
166.07 of the Revised Code. 9391

(G) "Governmental action" means any action by a governmental 9392
agency relating to the establishment, development, or operation of 9393
an eligible project, eligible innovation project, eligible 9394
research and development project, eligible advanced energy 9395
project, or eligible logistics and distribution project, and 9396
project facilities that the governmental agency acting has 9397
authority to take or provide for the purpose under law, including, 9398
but not limited to, actions relating to contracts and agreements, 9399
zoning, building, permits, acquisition and disposition of 9400
property, public capital improvements, utility and transportation 9401

service, taxation, employee recruitment and training, and liaison 9402
and coordination with and among governmental agencies. 9403

(H) "Governmental agency" means the state and any state 9404
department, division, commission, institution or authority; a 9405
municipal corporation, county, or township, and any agency 9406
thereof, and any other political subdivision or public corporation 9407
or the United States or any agency thereof; any agency, 9408
commission, or authority established pursuant to an interstate 9409
compact or agreement; and any combination of the above. 9410

(I) "Innovation financial assistance" means inducements under 9411
division (B) of section 166.12 of the Revised Code, innovation 9412
Ohio loan guarantees under section 166.15 of the Revised Code, and 9413
innovation Ohio loans under section 166.16 of the Revised Code. 9414

(J) "Innovation Ohio loan guarantee reserve requirement" 9415
means, at any time, with respect to innovation loan guarantees 9416
made under section 166.15 of the Revised Code, a balance in the 9417
innovation Ohio loan guarantee fund equal to the greater of twenty 9418
per cent of the then-outstanding principal amount of all 9419
outstanding innovation loan guarantees made pursuant to section 9420
166.15 of the Revised Code or fifty per cent of the principal 9421
amount of the largest outstanding guarantee made pursuant to 9422
section 166.15 of the Revised Code. 9423

(K) "Innovation property" includes property and also includes 9424
software, inventory, licenses, contract rights, goodwill, 9425
intellectual property, including without limitation, patents, 9426
patent applications, trademarks and service marks, and trade 9427
secrets, and other tangible and intangible property, and any 9428
rights and interests in or connected to the foregoing. 9429

(L) "Loan guarantee reserve requirement" means, at any time, 9430
with respect to loan guarantees made under section 166.06 of the 9431
Revised Code, a balance in the loan guarantee fund equal to the 9432

greater of twenty per cent of the then-outstanding principal 9433
amount of all outstanding guarantees made pursuant to section 9434
166.06 of the Revised Code or fifty per cent of the principal 9435
amount of the largest outstanding guarantee made pursuant to 9436
section 166.06 of the Revised Code. 9437

(M) "Person" means any individual, firm, partnership, 9438
association, corporation, or governmental agency, and any 9439
combination thereof. 9440

(N) "Project facilities" means buildings, structures, and 9441
other improvements, and equipment and other property, excluding 9442
small tools, supplies, and inventory, and any one, part of, or 9443
combination of the above, comprising all or part of, or serving or 9444
being incidental to, an eligible project, an eligible innovation 9445
project, an eligible research and development project, an eligible 9446
advanced energy project, or an eligible logistics and distribution 9447
project, including, but not limited to, public capital 9448
improvements. 9449

(O) "Property" means real and personal property and interests 9450
therein. 9451

(P) "Public capital improvements" means capital improvements 9452
or facilities that any governmental agency has authority to 9453
acquire, pay the costs of, own, maintain, or operate, or to 9454
contract with other persons to have the same done, including, but 9455
not limited to, highways, roads, streets, water and sewer 9456
facilities, railroad and other transportation facilities, and air 9457
and water pollution control and solid waste disposal facilities. 9458
For purposes of this division, "air pollution control facilities" 9459
includes, without limitation, solar, geothermal, biofuel, biomass, 9460
wind, hydro, wave, and other advanced energy projects as defined 9461
in section 3706.25 of the Revised Code. 9462

(Q) "Research and development financial assistance" means 9463

inducements under section 166.17 of the Revised Code, research and 9464
development loans under section 166.21 of the Revised Code, and 9465
research and development tax credits under sections 5733.352 and 9466
5747.331 of the Revised Code. 9467

(R) "Targeted innovation industry sectors" means industry 9468
sectors involving the production or use of advanced materials, 9469
instruments, controls and electronics, power and propulsion, 9470
biosciences, and information technology, or such other sectors as 9471
may be designated by the director of development services. 9472

(S) "Voluntary action" means a voluntary action, as defined 9473
in section 3746.01 of the Revised Code, that is conducted under 9474
the voluntary action program established in Chapter 3746. of the 9475
Revised Code. 9476

(T) "Project financing obligations" means obligations issued 9477
pursuant to section 166.08 of the Revised Code other than 9478
obligations for which the bond proceedings provide that bond 9479
service charges shall be paid from receipts of the state 9480
representing gross profit on the sale of spirituous liquor as 9481
referred to in division (B)(4) of section 4310.10 of the Revised 9482
Code. 9483

(U) "Regional economic development entity" means an entity 9484
that is under contract with the director to administer a loan 9485
program under this chapter in a particular area of this state. 9486

~~(V) "Advanced energy research and development fund" means the 9487
advanced energy research and development fund created in section 9488
3706.27 of the Revised Code. 9489~~

~~(W) "Advanced energy research and development taxable fund" 9490
means the advanced energy research and development taxable fund 9491
created in section 3706.27 of the Revised Code. 9492~~

~~(X) "Eligible advanced energy project" means an eligible 9493
project that is an "advanced energy project" as defined in section 9494~~

3706.25 of the Revised Code. 9495

~~(Y)~~(W) "Eligible logistics and distribution project" means an 9496
eligible project, including project facilities, to be acquired, 9497
established, expanded, remodeled, rehabilitated, or modernized for 9498
transportation logistics and distribution infrastructure purposes. 9499
As used in this division, "transportation logistics and 9500
distribution infrastructure purposes" means promoting, providing 9501
for, and enabling improvements to the ground, air, and water 9502
transportation infrastructure comprising the transportation system 9503
in this state, including, without limitation, highways, streets, 9504
roads, bridges, railroads carrying freight, and air and water 9505
ports and port facilities, and all related supporting facilities. 9506

~~(Z)~~(X) "Department of development" means the development 9507
services agency and "director of development" means the director 9508
of development services. 9509

Sec. 169.06. (A) Before the first day of November of each 9510
year immediately following the calendar year in which the filing 9511
of reports is required by section 169.03 of the Revised Code, the 9512
director of commerce shall cause notice to be published once in an 9513
English language newspaper of general circulation in the county in 9514
this state in which is located the last known address of any 9515
person to be named in the notice required by this section. The 9516
notice may be published in print or electronic format. If no 9517
address is listed, the notice shall be published in the county in 9518
which the holder of the unclaimed funds has its principal place of 9519
business within this state; or if the holder has no principal 9520
place of business within this state, publication shall be made as 9521
the director determines most effective. If the address is outside 9522
this state, notice shall be published in a newspaper of general 9523
circulation in the county or parish of any state in the United 9524
States in which such last known address is located. If the last 9525

known address is in a foreign country, publication shall be made 9526
as the director determines most effective. 9527

If the name of the owner is not available, the director may 9528
publish notice by class, identifying number, or as the director 9529
determines most effective. 9530

(B) The published notice shall be entitled "Notice of Names 9531
of Persons Appearing to be Owners of Unclaimed Funds," and shall 9532
contain: 9533

(1) The names in alphabetical order and last known addresses, 9534
if any, of each person appearing from the records of the holder to 9535
be the owner of unclaimed funds of a value of fifty dollars or 9536
more and entitled to notice as specified in division (A) of this 9537
section; 9538

(2) A statement that information concerning the amount of the 9539
funds and any necessary information concerning the presentment of 9540
a claim therefor may be obtained by any persons possessing a 9541
property interest in the unclaimed funds by addressing an inquiry 9542
to the director. 9543

(C) With respect to items of unclaimed funds each having a 9544
value of ten dollars or more, the director shall have available in 9545
~~his~~ the director's office during business hours an alphabetical 9546
list of owners and where a holder is a person providing life 9547
insurance coverage, beneficiaries, and their last known addresses, 9548
if any, whose funds are being held by the state pursuant to this 9549
chapter. 9550

(D) The director may give any additional notice ~~he~~ using any 9551
electronic or print medium that the director deems necessary to 9552
inform the owner of the whereabouts of ~~his~~ the owner's funds. 9553

Sec. 173.04. (A) As used in this section, ~~"respite:~~ 9554

(1) "Respite care" means short-term, temporary care or 9555

supervision provided to a person who has ~~Alzheimer's disease~~ 9556
dementia in the absence of the person who normally provides that 9557
care or supervision. 9558

(2) "Dementia" includes Alzheimer's disease or other 9559
dementia. 9560

(B) Through the internet web site maintained by the 9561
department of aging, the director of aging shall disseminate 9562
~~Alzheimer's disease~~ dementia training materials for licensed 9563
physicians, registered nurses, licensed practical nurses, 9564
administrators of health care programs, social workers, and other 9565
health care and social service personnel who participate or assist 9566
in the care or treatment of persons who have ~~Alzheimer's disease~~ 9567
dementia. The training materials disseminated through the web site 9568
may be developed by the director or obtained from other sources. 9569

(C) To the extent funds are available, the director shall 9570
administer respite care programs and other supportive services for 9571
persons who have ~~Alzheimer's disease~~ dementia and their families 9572
or care givers. Respite care programs shall be approved by the 9573
director and shall be provided for the following purposes: 9574

(1) Giving persons who normally provide care or supervision 9575
for a person who has ~~Alzheimer's disease~~ dementia relief from the 9576
stresses and responsibilities that result from providing such 9577
care; 9578

(2) Preventing or reducing inappropriate institutional care 9579
and enabling persons who have ~~Alzheimer's disease~~ dementia to 9580
remain at home as long as possible. 9581

(D) The director may provide services under this section to 9582
persons with ~~Alzheimer's disease~~ dementia and their families 9583
regardless of the age of the persons with ~~Alzheimer's disease~~ 9584
dementia. 9585

(E) The director may adopt rules in accordance with Chapter 9586

119. of the Revised Code governing respite care programs and other 9587
supportive services, the distribution of funds, and the purpose 9588
for which funds may be utilized under this section. 9589

Sec. 173.27. (A) As used in this section: 9590

(1) "Applicant" means a person who is under final 9591
consideration for employment by a responsible party in a 9592
full-time, part-time, or temporary position that involves 9593
providing ombudsman services to residents and recipients. 9594
"Applicant" includes a person who is under final consideration for 9595
employment as the state long-term care ombudsman or the head of a 9596
regional long-term care ombudsman program. "Applicant" does not 9597
include a person seeking to provide ombudsman services to 9598
residents and recipients as a volunteer without receiving or 9599
expecting to receive any form of remuneration other than 9600
reimbursement for actual expenses. 9601

(2) "Criminal records check" has the same meaning as in 9602
section 109.572 of the Revised Code. 9603

(3) "Disqualifying offense" means any of the offenses listed 9604
or described in divisions (A)(3)(a) to (e) of section 109.572 of 9605
the Revised Code. 9606

(4) "Employee" means a person employed by a responsible party 9607
in a full-time, part-time, or temporary position that involves 9608
providing ombudsman services to residents and recipients. 9609
"Employee" includes the person employed as the state long-term 9610
care ombudsman and a person employed as the head of a regional 9611
long-term care ombudsman program. "Employee" does not include a 9612
person who provides ombudsman services to residents and recipients 9613
as a volunteer without receiving or expecting to receive any form 9614
of remuneration other than reimbursement for actual expenses. 9615

(5) "Responsible party" means the following: 9616

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the regional long-term care ombudsman program.

(B) A responsible party may not employ an applicant or continue to employ an employee in a position that involves providing ombudsman services to residents and recipients if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this

section and the rules prohibit the responsible party from 9648
employing an applicant or continuing to employ an employee 9649
included in such a database in a position that involves providing 9650
ombudsman services to residents and recipients. 9651

(2) After the applicant or employee is provided, pursuant to 9652
division (E)(2)(a) of this section, a copy of the form prescribed 9653
pursuant to division (C)(1) of section 109.572 of the Revised Code 9654
and the standard impression sheet prescribed pursuant to division 9655
(C)(2) of that section, the applicant or employee fails to 9656
complete the form or provide the applicant's or employee's 9657
fingerprint impressions on the standard impression sheet. 9658

(3) Unless the applicant or employee meets standards 9659
specified in rules adopted under this section, the applicant or 9660
employee is found by a criminal records check required by this 9661
section to have been convicted of, pleaded guilty to, or been 9662
found eligible for intervention in lieu of conviction for a 9663
disqualifying offense. 9664

(C) A responsible party or a responsible party's designee 9665
shall inform each applicant of both of the following at the time 9666
of the applicant's initial application for employment in a 9667
position that involves providing ombudsman services to residents 9668
and recipients: 9669

(1) That a review of the databases listed in division (D) of 9670
this section will be conducted to determine whether the 9671
responsible party is prohibited by division (B)(1) of this section 9672
from employing the applicant in the position; 9673

(2) That, unless the database review reveals that the 9674
applicant may not be employed in the position, a criminal records 9675
check of the applicant will be conducted and the applicant is 9676
required to provide a set of the applicant's fingerprint 9677
impressions as part of the criminal records check. 9678

(D) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the responsible party or designee shall conduct a database review of an employee in accordance with the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted 9710
under this section. 9711

(E)(1) As a condition of any applicant's being employed by a 9712
responsible party in a position that involves providing ombudsman 9713
services to residents and recipients, the responsible party or 9714
designee shall request that the superintendent of the bureau of 9715
criminal identification and investigation conduct a criminal 9716
records check of the applicant. If rules adopted under this 9717
section so require, the responsible party or designee shall 9718
request that the superintendent conduct a criminal records check 9719
of an employee at times specified in the rules as a condition of 9720
the responsible party continuing to employ the employee in a 9721
position that involves providing ombudsman services to residents 9722
and recipients. However, the responsible party or designee is not 9723
required to request the criminal records check of the applicant or 9724
employee if the responsible party is prohibited by division (B)(1) 9725
of this section from employing the applicant or continuing to 9726
employ the employee in a position that involves providing 9727
ombudsman services to residents and recipients. If an applicant or 9728
employee for whom a criminal records check request is required by 9729
this section does not present proof of having been a resident of 9730
this state for the five-year period immediately prior to the date 9731
the criminal records check is requested or provide evidence that 9732
within that five-year period the superintendent has requested 9733
information about the applicant or employee from the federal 9734
bureau of investigation in a criminal records check, the 9735
responsible party or designee shall request that the 9736
superintendent obtain information from the federal bureau of 9737
investigation as part of the criminal records check. Even if an 9738
applicant or employee for whom a criminal records check request is 9739
required by this section presents proof of having been a resident 9740
of this state for the five-year period, the responsible party or 9741
designee may request that the superintendent include information 9742

from the federal bureau of investigation in the criminal records 9743
check. 9744

(2) A responsible party or designee shall do all of the 9745
following: 9746

(a) Provide to each applicant and employee for whom a 9747
criminal records check request is required by this section a copy 9748
of the form prescribed pursuant to division (C)(1) of section 9749
109.572 of the Revised Code and a standard impression sheet 9750
prescribed pursuant to division (C)(2) of that section; 9751

(b) Obtain the completed form and standard impression sheet 9752
from the applicant or employee; 9753

(c) Forward the completed form and standard impression sheet 9754
to the superintendent. 9755

(3) A responsible party shall pay to the bureau of criminal 9756
identification and investigation the fee prescribed pursuant to 9757
division (C)(3) of section 109.572 of the Revised Code for each 9758
criminal records check the responsible party or the responsible 9759
party's designee requests under this section. The responsible 9760
party may charge an applicant a fee not exceeding the amount the 9761
responsible party pays to the bureau under this section if the 9762
responsible party or designee notifies the applicant at the time 9763
of initial application for employment of the amount of the fee. 9764

(F)(1) A responsible party may employ conditionally an 9765
applicant for whom a criminal records check is required by this 9766
section prior to obtaining the results of the criminal records 9767
check if both of the following apply: 9768

(a) The responsible party is not prohibited by division 9769
(B)(1) of this section from employing the applicant in a position 9770
that involves providing ombudsman services to residents and 9771
recipients; 9772

(b) The responsible party or designee requests the criminal 9773
records check in accordance with division (E) of this section ~~not~~ 9774
~~later than five business days after~~ before conditionally employing 9775
the applicant ~~begins conditional employment.~~ 9776

(2) A responsible party shall terminate the employment of an 9777
applicant employed conditionally under division (F)(1) of this 9778
section if the results of the criminal records check, other than 9779
the results of any request for information from the federal bureau 9780
of investigation, are not obtained within the period ending sixty 9781
days after the date the request for the criminal records check is 9782
made. Regardless of when the results of the criminal records check 9783
are obtained, if the results indicate that the applicant has been 9784
convicted of, pleaded guilty to, or been found eligible for 9785
intervention in lieu of conviction for a disqualifying offense, 9786
the responsible party shall terminate the applicant's employment 9787
unless the applicant meets standards specified in rules adopted 9788
under this section that permit the responsible party to employ the 9789
applicant and the responsible party chooses to employ the 9790
applicant. Termination of employment under this division shall be 9791
considered just cause for discharge for purposes of division 9792
(D)(2) of section 4141.29 of the Revised Code if the applicant 9793
makes any attempt to deceive the responsible party or designee 9794
about the applicant's criminal record. 9795

(G) The report of any criminal records check conducted 9796
pursuant to a request made under this section is not a public 9797
record for the purposes of section 149.43 of the Revised Code and 9798
shall not be made available to any person other than the 9799
following: 9800

(1) The applicant or employee who is the subject of the 9801
criminal records check or the applicant's or employee's 9802
representative; 9803

(2) The responsible party or designee; 9804

(3) In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely

because it employed the applicant prior to receiving the report of 9836
a criminal records check requested under this section. 9837

(3) If the responsible party in good faith employed the 9838
applicant or employee because the applicant or employee meets 9839
standards specified in rules adopted under this section, the 9840
responsible party shall not be found negligent solely because the 9841
applicant or employee has been convicted of, pleaded guilty to, or 9842
been found eligible for intervention in lieu of conviction for a 9843
disqualifying offense. 9844

(I) The state long-term care ombudsman may not act as the 9845
director of aging's designee for the purpose of this section. The 9846
head of a regional long-term care ombudsman program may not act as 9847
the regional program's designee for the purpose of this section if 9848
the head is the employee for whom a database review or criminal 9849
records check is being conducted. 9850

(J) The director of aging shall adopt rules in accordance 9851
with Chapter 119. of the Revised Code to implement this section. 9852

(1) The rules may do the following: 9853

(a) Require employees to undergo database reviews and 9854
criminal records checks under this section; 9855

(b) If the rules require employees to undergo database 9856
reviews and criminal records checks under this section, exempt one 9857
or more classes of employees from the requirements; 9858

(c) For the purpose of division (D)(7) of this section, 9859
specify other databases that are to be checked as part of a 9860
database review conducted under this section. 9861

(2) The rules shall specify all of the following: 9862

(a) The procedures for conducting database reviews under this 9863
section; 9864

(b) If the rules require employees to undergo database 9865

reviews and criminal records checks under this section, the times 9866
at which the database reviews and criminal records checks are to 9867
be conducted; 9868

(c) If the rules specify other databases to be checked as 9869
part of the database reviews, the circumstances under which a 9870
responsible party is prohibited from employing an applicant or 9871
continuing to employ an employee who is found by a database review 9872
to be included in one or more of those databases; 9873

(d) Standards that an applicant or employee must meet for a 9874
responsible party to be permitted to employ the applicant or 9875
continue to employ the employee in a position that involves 9876
providing ombudsman services to residents and recipients if the 9877
applicant or employee is found by a criminal records check 9878
required by this section to have been convicted of, pleaded guilty 9879
to, or been found eligible for intervention in lieu of conviction 9880
for a disqualifying offense. 9881

Sec. 173.38. (A) As used in this section: 9882

(1) "Applicant" means a person who is under final 9883
consideration for employment with a responsible party in a 9884
full-time, part-time, or temporary direct-care position or is 9885
referred to a responsible party by an employment service for such 9886
a position. "Applicant" does not include a person being considered 9887
for a direct-care position as a volunteer. 9888

(2) "Area agency on aging" has the same meaning as in section 9889
173.14 of the Revised Code. 9890

(3) "Chief administrator of a responsible party" includes a 9891
consumer when the consumer is a responsible party. 9892

(4) "Community-based long-term care services" means 9893
community-based long-term care services, as defined in section 9894
173.14 of the Revised Code, that are provided under a program the 9895

department of aging administers.	9896
(5) "Consumer" means an individual who receives community-based long-term care services.	9897 9898
(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	9899 9900
(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	9901 9902
(i) In-person contact with one or more consumers;	9903
(ii) Access to one or more consumers' personal property or records.	9904 9905
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	9906 9907 9908
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	9909 9910 9911
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	9912 9913 9914 9915 9916 9917
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	9918 9919
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	9920 9921
(12) "Responsible party" means the following:	9922
(a) An area agency on aging in the case of either of the following:	9923 9924

(i) A person who is an applicant because the person is under 9925
final consideration for employment with the agency in a full-time, 9926
part-time, or temporary direct-care position or is referred to the 9927
agency by an employment service for such a position; 9928

(ii) A person who is an employee because the person is 9929
employed by the agency in a full-time, part-time, or temporary 9930
direct-care position or works in such a position due to being 9931
referred to the agency by an employment service. 9932

(b) A PASSPORT administrative agency in the case of either of 9933
the following: 9934

(i) A person who is an applicant because the person is under 9935
final consideration for employment with the agency in a full-time, 9936
part-time, or temporary direct-care position or is referred to the 9937
agency by an employment service for such a position; 9938

(ii) A person who is an employee because the person is 9939
employed by the agency in a full-time, part-time, or temporary 9940
direct-care position or works in such a position due to being 9941
referred to the agency by an employment service. 9942

(c) A provider in the case of either of the following: 9943

(i) A person who is an applicant because the person is under 9944
final consideration for employment with the provider in a 9945
full-time, part-time, or temporary direct-care position or is 9946
referred to the provider by an employment service for such a 9947
position; 9948

(ii) A person who is an employee because the person is 9949
employed by the provider in a full-time, part-time, or temporary 9950
direct-care position or works in such a position due to being 9951
referred to the provider by an employment service. 9952

(d) A subcontractor in the case of either of the following: 9953

(i) A person who is an applicant because the person is under 9954

final consideration for employment with the subcontractor in a 9955
full-time, part-time, or temporary direct-care position or is 9956
referred to the subcontractor by an employment service for such a 9957
position; 9958

(ii) A person who is an employee because the person is 9959
employed by the subcontractor in a full-time, part-time, or 9960
temporary direct-care position or works in such a position due to 9961
being referred to the subcontractor by an employment service. 9962

(e) A consumer in the case of either of the following: 9963

(i) A person who is an applicant because the person is under 9964
final consideration for employment with the consumer in a 9965
full-time, part-time, or temporary direct-care position for which 9966
the consumer, as the employer of record, is to direct the person 9967
in the provision of community-based long-term care services the 9968
person is to provide the consumer or is referred to the consumer 9969
by an employment service for such a position; 9970

(ii) A person who is an employee because the person is 9971
employed by the consumer in a full-time, part-time, or temporary 9972
direct-care position for which the consumer, as the employer of 9973
record, directs the person in the provision of community-based 9974
long-term care services the person provides to the consumer or who 9975
works in such a position due to being referred to the consumer by 9976
an employment service. 9977

(13) "Subcontractor" has the meaning specified in rules 9978
adopted under this section. 9979

(14) "Volunteer" means a person who serves in a direct-care 9980
position without receiving or expecting to receive any form of 9981
remuneration other than reimbursement for actual expenses. 9982

(15) "Waiver agency" has the same meaning as in section 9983
5164.342 of the Revised Code. 9984

(B) This section does not apply to any individual who is 9985
subject to a database review or criminal records check under 9986
section 173.381 or 3701.881 of the Revised Code or to any 9987
individual who is subject to a criminal records check under 9988
section 3721.121 of the Revised Code. ~~If a provider or 9989
subcontractor also is a waiver agency, the provider or 9990
subcontractor may provide for applicants and employees to undergo 9991
database reviews and criminal records checks in accordance with 9992
section 5164.342 of the Revised Code rather than this section.~~ 9993

(C) No responsible party shall employ an applicant or 9994
continue to employ an employee in a direct-care position if any of 9995
the following apply: 9996

(1) A review of the databases listed in division (E) of this 9997
section reveals any of the following: 9998

(a) That the applicant or employee is included in one or more 9999
of the databases listed in divisions (E)(1) to (5) of this 10000
section; 10001

(b) That there is in the state nurse aide registry 10002
established under section 3721.32 of the Revised Code a statement 10003
detailing findings by the director of health that the applicant or 10004
employee abused, neglected, or exploited a long-term care facility 10005
or residential care facility resident or misappropriated property 10006
of such a resident; 10007

(c) That the applicant or employee is included in one or more 10008
of the databases, if any, specified in rules adopted under this 10009
section and the rules prohibit the responsible party from 10010
employing an applicant or continuing to employ an employee 10011
included in such a database in a direct-care position. 10012

(2) After the applicant or employee is provided, pursuant to 10013
division (F)(2)(a) of this section, a copy of the form prescribed 10014
pursuant to division (C)(1) of section 109.572 of the Revised Code 10015

and the standard impression sheet prescribed pursuant to division 10016
(C)(2) of that section, the applicant or employee fails to 10017
complete the form or provide the applicant's or employee's 10018
fingerprint impressions on the standard impression sheet. 10019

(3) Unless the applicant or employee meets standards 10020
specified in rules adopted under this section, the applicant or 10021
employee is found by a criminal records check required by this 10022
section to have been convicted of, pleaded guilty to, or been 10023
found eligible for intervention in lieu of conviction for a 10024
disqualifying offense. 10025

(D) Except as provided by division (G) of this section, the 10026
chief administrator of a responsible party shall inform each 10027
applicant of both of the following at the time of the applicant's 10028
initial application for employment or referral to the responsible 10029
party by an employment service for a direct-care position: 10030

(1) That a review of the databases listed in division (E) of 10031
this section will be conducted to determine whether the 10032
responsible party is prohibited by division (C)(1) of this section 10033
from employing the applicant in the direct-care position; 10034

(2) That, unless the database review reveals that the 10035
applicant may not be employed in the direct-care position, a 10036
criminal records check of the applicant will be conducted and the 10037
applicant is required to provide a set of the applicant's 10038
fingerprint impressions as part of the criminal records check. 10039

(E) As a condition of employing any applicant in a 10040
direct-care position, the chief administrator of a responsible 10041
party shall conduct a database review of the applicant in 10042
accordance with rules adopted under this section. If rules adopted 10043
under this section so require, the chief administrator of a 10044
responsible party shall conduct a database review of an employee 10045
in accordance with the rules as a condition of continuing to 10046

employ the employee in a direct-care position. However, a chief 10047
administrator is not required to conduct a database review of an 10048
applicant or employee if division (G) of this section applies. A 10049
database review shall determine whether the applicant or employee 10050
is included in any of the following: 10051

(1) The excluded parties list system that is maintained by 10052
the United States general services administration pursuant to 10053
subpart 9.4 of the federal acquisition regulation and available at 10054
the federal web site known as the system for award management; 10055

(2) The list of excluded individuals and entities maintained 10056
by the office of inspector general in the United States department 10057
of health and human services pursuant to the "Social Security 10058
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 10059

(3) The registry of developmental disabilities employees 10060
established under section 5123.52 of the Revised Code; 10061

(4) The internet-based sex offender and child-victim offender 10062
database established under division (A)(11) of section 2950.13 of 10063
the Revised Code; 10064

(5) The internet-based database of inmates established under 10065
section 5120.66 of the Revised Code; 10066

(6) The state nurse aide registry established under section 10067
3721.32 of the Revised Code; 10068

(7) Any other database, if any, specified in rules adopted 10069
under this section. 10070

(F)(1) As a condition of employing any applicant in a 10071
direct-care position, the chief administrator of a responsible 10072
party shall request that the superintendent of the bureau of 10073
criminal identification and investigation conduct a criminal 10074
records check of the applicant. If rules adopted under this 10075
section so require, the chief administrator of a responsible party 10076

shall request that the superintendent conduct a criminal records 10077
check of an employee at times specified in the rules as a 10078
condition of continuing to employ the employee in a direct-care 10079
position. However, the chief administrator is not required to 10080
request the criminal records check of the applicant or employee if 10081
division (G) of this section applies or the responsible party is 10082
prohibited by division (C)(1) of this section from employing the 10083
applicant or continuing to employ the employee in a direct-care 10084
position. If an applicant or employee for whom a criminal records 10085
check request is required by this section does not present proof 10086
of having been a resident of this state for the five-year period 10087
immediately prior to the date the criminal records check is 10088
requested or provide evidence that within that five-year period 10089
the superintendent has requested information about the applicant 10090
or employee from the federal bureau of investigation in a criminal 10091
records check, the chief administrator shall request that the 10092
superintendent obtain information from the federal bureau of 10093
investigation as part of the criminal records check. Even if an 10094
applicant or employee for whom a criminal records check request is 10095
required by this section presents proof of having been a resident 10096
of this state for the five-year period, the chief administrator 10097
may request that the superintendent include information from the 10098
federal bureau of investigation in the criminal records check. 10099

(2) The chief administrator shall do all of the following: 10100

(a) Provide to each applicant and employee for whom a 10101
criminal records check request is required by this section a copy 10102
of the form prescribed pursuant to division (C)(1) of section 10103
109.572 of the Revised Code and a standard impression sheet 10104
prescribed pursuant to division (C)(2) of that section; 10105

(b) Obtain the completed form and standard impression sheet 10106
from the applicant or employee; 10107

(c) Forward the completed form and standard impression sheet 10108

to the superintendent. 10109

(3) A responsible party shall pay to the bureau of criminal 10110
identification and investigation the fee prescribed pursuant to 10111
division (C)(3) of section 109.572 of the Revised Code for each 10112
criminal records check the responsible party requests under this 10113
section. A responsible party may charge an applicant a fee not 10114
exceeding the amount the responsible party pays to the bureau 10115
under this section if both of the following apply: 10116

(a) The responsible party notifies the applicant at the time 10117
of initial application for employment of the amount of the fee and 10118
that, unless the fee is paid, the applicant will not be considered 10119
for employment. 10120

(b) The medicaid program does not pay the responsible party 10121
for the fee it pays to the bureau under this section. 10122

(G) Divisions (D) to (F) of this section do not apply with 10123
regard to an applicant or employee if the applicant or employee is 10124
referred to a responsible party by an employment service that 10125
supplies full-time, part-time, or temporary staff for direct-care 10126
positions and both of the following apply: 10127

(1) The chief administrator of the responsible party receives 10128
from the employment service confirmation that a review of the 10129
databases listed in division (E) of this section was conducted of 10130
the applicant or employee. 10131

(2) The chief administrator of the responsible party receives 10132
from the employment service, applicant, or employee a report of 10133
the results of a criminal records check of the applicant or 10134
employee that has been conducted by the superintendent within the 10135
one-year period immediately preceding the following: 10136

(a) In the case of an applicant, the date of the applicant's 10137
referral by the employment service to the responsible party; 10138

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional employment.~~

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

(I) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and

shall not be made available to any person other than the 10202
following: 10203

(1) The applicant or employee who is the subject of the 10204
criminal records check or the applicant's or employee's 10205
representative; 10206

(2) The chief administrator of the responsible party 10207
requesting the criminal records check or the administrator's 10208
representative; 10209

(3) The administrator of any other facility, agency, or 10210
program that provides community-based long-term care services that 10211
is owned or operated by the same entity that owns or operates the 10212
responsible party that requested the criminal records check; 10213

(4) The employment service that requested the criminal 10214
records check; 10215

(5) The director of aging or a person authorized by the 10216
director to monitor a responsible party's compliance with this 10217
section; 10218

(6) The medicaid director and the staff of the department of 10219
medicaid who are involved in the administration of the medicaid 10220
program if any of the following apply: 10221

(a) In the case of a criminal records check requested by a 10222
provider or subcontractor, the provider or subcontractor also is a 10223
waiver agency; 10224

(b) In the case of a criminal records check requested by an 10225
employment service, the employment service makes the request for 10226
an applicant or employee the employment service refers to a 10227
provider or subcontractor that also is a waiver agency; 10228

(c) The criminal records check is requested by a consumer who 10229
is acting as a responsible party. 10230

(7) A court, hearing officer, or other necessary individual 10231

involved in a case dealing with any of the following:	10232
(a) A denial of employment of the applicant or employee;	10233
(b) Employment or unemployment benefits of the applicant or employee;	10234 10235
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	10236 10237
(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:	10238 10239 10240 10241 10242
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	10243 10244 10245 10246 10247 10248
(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.	10249 10250 10251 10252 10253
(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	10254 10255 10256 10257 10258 10259 10260
(K) The director of aging shall adopt rules in accordance	10261

with Chapter 119. of the Revised Code to implement this section.	10262
(1) The rules may do the following:	10263
(a) Require employees to undergo database reviews and criminal records checks under this section;	10264 10265
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	10266 10267 10268
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	10269 10270 10271
(2) The rules shall specify all of the following:	10272
(a) The meaning of the term "subcontractor";	10273
(b) The procedures for conducting database reviews under this section;	10274 10275
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	10276 10277 10278 10279
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	10280 10281 10282 10283 10284
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	10285 10286 10287 10288 10289 10290 10291

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;

(h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action

under divisions (A)(2)(e) to (h) of this section. 10321

(B) The director of aging shall adopt rules in accordance 10322
with Chapter 119. of the Revised Code establishing certification 10323
requirements and standards for determining which type of 10324
disciplinary action to take under division (A)(2) of this section 10325
in individual situations. The rules shall establish procedures for 10326
all of the following: 10327

(1) Ensuring that providers comply with sections 173.38 and 10328
173.381 of the Revised Code; 10329

(2) Evaluating the services provided by the providers to 10330
ensure that the services are provided in a quality manner 10331
advantageous to the individual receiving the services; 10332

(3) In a manner consistent with section 173.381 of the 10333
Revised Code, determining when to take disciplinary action under 10334
division (A)(2) of this section and which disciplinary action to 10335
take; 10336

(4) Determining what constitutes another sanction for 10337
purposes of division (A)(2)(h) of this section. 10338

(C) The procedures established in rules adopted under 10339
division (B)(2) of this section shall require that all of the 10340
following be considered as part of an evaluation described in 10341
division (B)(2) of this section: 10342

(1) The provider's experience and financial responsibility; 10343

(2) The provider's ability to comply with standards for the 10344
community-based long-term care services that the provider provides 10345
under a program the department administers; 10346

(3) The provider's ability to meet the needs of the 10347
individuals served; 10348

(4) Any other factor the director considers relevant. 10349

(D) The rules adopted under division (B)(3) of this section 10350

shall specify that the reasons disciplinary action may be taken 10351
under division (A)(2) of this section include good cause, 10352
including misfeasance, malfeasance, nonfeasance, confirmed abuse 10353
or neglect, financial irresponsibility, or other conduct the 10354
director determines is injurious, or poses a threat, to the health 10355
or safety of individuals being served. 10356

(E) Subject to division (F) of this section, the department 10357
is not required to hold hearings under division (A)(3) of this 10358
section if any of the following conditions apply: 10359

(1) Rules adopted by the director of aging pursuant to this 10360
chapter require the provider to be a party to a provider 10361
agreement; hold a license, certificate, or permit; or maintain a 10362
certification, any of which is required or issued by a state or 10363
federal government entity other than the department of aging, and 10364
either of the following is the case: 10365

(a) The provider agreement has not been entered into or the 10366
license, certificate, permit, or certification has not been 10367
obtained or maintained. 10368

(b) The provider agreement, license, certificate, permit, or 10369
certification has been denied, revoked, not renewed, or suspended 10370
or has been otherwise restricted. 10371

(2) The provider's certification under this section has been 10372
denied, suspended, or revoked for any of the following reasons: 10373

(a) A government entity of this state, other than the 10374
department of aging, has terminated or refused to renew any of the 10375
following held by, or has denied any of the following sought by, a 10376
provider: a provider agreement, license, certificate, permit, or 10377
certification. Division (E)(2)(a) of this section applies 10378
regardless of whether the provider has entered into a provider 10379
agreement in, or holds a license, certificate, permit, or 10380
certification issued by, another state. 10381

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason. 10413
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(3) The provider's provider agreement with the department of medicaid has been suspended under ~~division (C) of section 5164.37~~ 5164.36 of the Revised Code. 10415
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 10418
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department ~~may~~ shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department ~~proposes to take~~ is taking under ~~division~~ divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 10423
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 10431
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~~All fees~~ (H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide. 10435
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Sec. 177.02. (A) Any person may file with the organized crime 10443
investigations commission a complaint that alleges that organized 10444
criminal activity has occurred in a county. A person who files a 10445
complaint under this division also may file with the commission 10446
information relative to the complaint. 10447

(B) Upon the filing of a complaint under division (A) of this 10448
section or upon its own initiative, the commission may establish 10449
an organized crime task force to investigate organized criminal 10450
activity in a single county or in two or more counties if it 10451
determines, based upon the complaint filed and the information 10452
relative to it or based upon any information that it may have 10453
received, that there is reason to believe that organized criminal 10454
activity has occurred and continues to occur in that county or in 10455
each of those counties. The commission shall not establish an 10456
organized crime task force to investigate organized criminal 10457
activity in any single county unless it makes the determination 10458
required under this division relative to that county and shall not 10459
establish an organized crime task force to investigate organized 10460
criminal activity in two or more counties unless it makes the 10461
determination required under this division relative to each of 10462
those counties. The commission, at any time, may terminate an 10463
organized crime task force it has established under this section. 10464

(C)(1) If the commission establishes an organized crime task 10465
force to investigate organized criminal activity in a single 10466
county or in two or more counties pursuant to division (B) of this 10467
section, the commission initially shall appoint a task force 10468
director to directly supervise the investigation. The task force 10469
director shall be either the sheriff or a deputy sheriff of any 10470
county in the state, the chief law enforcement officer or a member 10471
of a law enforcement agency of any municipal corporation or 10472
township in the state, or an agent of the bureau of criminal 10473
identification and investigation. No person shall be appointed as 10474

task force director without the person's consent and, if 10475
applicable, the consent of the person's employing sheriff or law 10476
enforcement agency or of the superintendent of the bureau of 10477
criminal identification and investigation if the person is an 10478
employee of the bureau. Upon appointment of a task force director, 10479
the commission shall meet with the director and establish the 10480
scope and limits of the investigation to be conducted by the task 10481
force and the size of the task force investigatory staff to be 10482
appointed by the task force director. The commission, at any time, 10483
may remove a task force director appointed under this division and 10484
may replace any director so removed according to the guidelines 10485
for the initial appointment of a director. 10486

(2) A task force director appointed under this section shall 10487
assemble a task force investigatory staff, of a size determined by 10488
the commission and the director, to conduct the investigation. 10489
Unless it appears to the commission and the director, based upon 10490
the complaint filed and any information relative to it or based 10491
upon any information that the commission may have received, that 10492
there is reason to believe that the office of the prosecuting 10493
attorney of the county or one of the counties served by the task 10494
force is implicated in the organized criminal activity to be 10495
investigated, one member of the investigatory staff shall be the 10496
prosecuting attorney or an assistant prosecuting attorney of the 10497
county or one of the counties served by the task force. If a 10498
prosecuting attorney or assistant prosecuting attorney is not a 10499
participating member of the task force, the office of the attorney 10500
general shall provide legal assistance to the task force upon 10501
request. Each of the other members of the investigatory staff 10502
shall be either the sheriff or a deputy sheriff of any county in 10503
the state, the chief law enforcement officer or a member of a law 10504
enforcement agency of any municipal corporation or township in the 10505
state, or an agent of the bureau of criminal identification and 10506
investigation. No person shall be appointed to the investigatory 10507

staff without the person's consent and, if applicable, the consent 10508
of the person's employing sheriff or law enforcement agency or the 10509
superintendent of the bureau of criminal identification and 10510
investigation if the person is an employee of the bureau. To the 10511
extent possible, the investigatory staff shall be composed of 10512
persons familiar with investigatory techniques that generally 10513
would be utilized in an investigation of organized criminal 10514
activity. To the extent practicable, the investigatory staff shall 10515
be assembled in such a manner that numerous law enforcement 10516
agencies within the county or the counties served by the task 10517
force are represented on the investigatory staff. The 10518
investigatory staff shall be assembled in such a manner that at 10519
least one sheriff, deputy sheriff, municipal corporation law 10520
enforcement officer, or township law enforcement officer from each 10521
of the counties served by the task force is represented on the 10522
investigatory staff. A task force director, at any time, may 10523
remove any member of the investigatory staff the task force 10524
director has assembled under this division and may replace any 10525
member so removed according to the guidelines for the initial 10526
assembly of the investigatory staff. 10527

(3) The commission may provide an organized crime task force 10528
established under this section with technical and clerical 10529
employees and with equipment necessary to efficiently conduct its 10530
investigation into organized criminal activity. 10531

(4) Upon the establishment of a task force, the commission 10532
shall issue to the task force director and each member of the task 10533
force investigatory staff appropriate credentials stating the 10534
person's identity, position, and authority. 10535

(D)(1) A task force investigatory staff, during the period of 10536
the investigation for which it is assembled, is responsible only 10537
to the task force director and shall operate under the direction 10538
and control of the task force director. Any necessary and actual 10539

expenses incurred by a task force director or investigatory staff, 10540
including any such expenses incurred for food, lodging, or travel, 10541
and any other necessary and actual expenses of an investigation 10542
into organized criminal activity conducted by a task force, shall 10543
be paid by the commission. ~~For~~ 10544

(2) For purposes of workers' compensation and the allocation 10545
of liability for any death, injury, or damage they may cause in 10546
the performance of their duties, a task force director and 10547
investigatory staff, during the period of the investigation for 10548
which the task force is assembled, shall be considered to be 10549
employees of the commission and of the state. ~~However, for~~ 10550

(3) For purposes of compensation, pension or indemnity fund 10551
rights, and other rights and benefits to which they may be 10552
entitled, a task force director and investigatory staff, during 10553
the period of the performance of their duties as director and 10554
investigatory staff, shall be considered to be performing their 10555
duties in their normal capacity as prosecuting attorney, assistant 10556
prosecuting attorney, sheriff, deputy sheriff, chief law 10557
enforcement officer or member of a law enforcement agency of a 10558
municipal corporation or township, or agent of the bureau of 10559
criminal identification and investigation. 10560

The commission may reimburse a political subdivision for any 10561
costs incurred under division (D)(3) of this section resulting 10562
from the payment of any compensation, rights, or benefits as 10563
described in that division from the organized crime commission 10564
fund created in section 177.011 of the Revised Code. 10565

(E) Except as provided in this division, upon the 10566
establishment of a task force, the commission shall provide the 10567
prosecuting attorney of each of the counties served by the task 10568
force with written notice that the task force has been established 10569
to investigate organized criminal activity in that county. Such 10570
notice shall not be provided to a prosecuting attorney if it 10571

appears to the commission, based upon the complaint filed and any 10572
information relative to it or based upon any information that the 10573
commission may have received, that there is reason to believe that 10574
the office of that prosecuting attorney is implicated in the 10575
organized criminal activity to be investigated. 10576

(F) The filing of a complaint alleging organized criminal 10577
activity, the establishment of an organized crime task force, the 10578
appointment of a task force director and the identity of the task 10579
force director, the assembly of an investigatory staff and the 10580
identity of its members, the conduct of an investigation into 10581
organized criminal activity, and the identity of any person who is 10582
being or is expected to be investigated by the task force shall be 10583
kept confidential by the commission and its director and 10584
employees, and by the task force and its director, investigatory 10585
staff, and employees until an indictment is returned or a criminal 10586
action or proceeding is initiated in a court of proper 10587
jurisdiction. 10588

(G) For purposes of divisions (C) and (E) of this section, 10589
the office of a prosecuting attorney shall be considered as being 10590
implicated in organized criminal activity only if the prosecuting 10591
attorney, one or more of the prosecuting attorney's assistants, or 10592
one or more of the prosecuting attorney's employees has committed 10593
or attempted or conspired to commit, is committing or attempting 10594
or conspiring to commit, or has engaged in or is engaging in 10595
complicity in the commission of, organized criminal activity. 10596

Sec. 183.18. (A) Ohio's public health priorities trust fund 10597
is hereby created in the state treasury. All investment earnings 10598
of the fund shall be credited to the fund. Notwithstanding any 10599
conflicting provision of the Revised Code, the director of budget 10600
and management may credit to the fund any money received by the 10601
state, director of health, or department of health as part of a 10602

settlement agreement relating to a pressing public health issue. 10603

(B) Money credited to the fund shall be used by the director of health for the following purposes: 10604
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~~(A) Minority health programs, on which not less than twenty five per cent of the annual appropriations from the trust fund shall be expended;~~ 10606
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~~(B) Enforcing section 2927.02 of the Revised Code;~~ 10609

~~(C) Alcohol and drug abuse treatment and prevention programs, including programs for adult and juvenile offenders in state institutions and aftercare programs;~~ 10610
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~~(D) A non entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~ 10613
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~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using~~ 10630
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~~revenue from a property tax levied at least in part for that~~ 10634
~~purpose (1) To conduct public health awareness and educational~~ 10635
~~campaigns;~~ 10636

(2) To address any pressing public health issue identified by 10637
the director or described in the state health improvement plan or 10638
a successor document prepared for the department of health; 10639

(3) To implement and administer innovative public health 10640
programs and prevention strategies; 10641

(4) To improve the population health of Ohio. 10642

The director may collaborate with one or more nonprofit 10643
entities, including a public health foundation, to meet the 10644
requirements of division (B) of this section. 10645

~~All investment earnings of the fund shall be credited to the~~ 10646
~~fund.~~ 10647

Sec. 183.33. No money shall be appropriated or transferred 10648
from the general revenue fund to the law enforcement improvements 10649
trust fund, southern Ohio agricultural and community development 10650
foundation endowment fund, ~~Ohio's public health priorities trust~~ 10651
~~fund~~, biomedical research and technology transfer trust fund, 10652
~~education facilities trust fund~~, or education technology trust 10653
fund. 10654

Sec. 307.622. (A) The health commissioner of the board of 10655
health of a city or a general health district who is appointed 10656
under section 307.621 of the Revised Code to establish the child 10657
fatality review board shall select six members to serve on the 10658
child fatality review board along with the commissioner. The 10659
review board shall consist of the following: 10660

(1) A county coroner or designee; 10661

(2) The chief of police of a police department or the sheriff 10662

that serves the greatest population in the county or region or a designee of the chief or sheriff; 10663
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(3) The executive director of a public children services agency or designee; 10665
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(4) A public health official or designee; 10667

(5) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 10668
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(6) A physician who holds a ~~certificate~~ license issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery, specializes in pediatric or family medicine, and currently practices pediatric or family medicine. 10670
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(B) The majority of the members of a review board may invite additional members to serve on the board. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 10675
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(C) A vacancy in a child fatality review board shall be filled in the same manner as the original appointment. 10682
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(D) A child fatality review board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment. 10684
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Sec. 307.6910. (A) A new nonprofit corporation shall be organized under the laws of this state for the purpose of operating a veterans memorial and museum to be located within the 10690
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10692

city of Columbus at the site described in division (B) of this 10693
section. 10694

(B) The site of the veterans memorial and museum, shall be 10695
constructed on the following parcel of real property owned in fee 10696
simple by the board of county commissioners of Franklin county: 10697

That property located at 300 West Broad Street, Columbus, 10698
Ohio, generally lying north of Broad Street, south of the 10699
right-of-way line of Norfolk and Southern Railway, west of the 10700
Scioto River and its floodwall, and east of the east line of Belle 10701
Street if the same extended north of Broad Street to the railroad 10702
right-of-way. 10703

(C) The bylaws of the new nonprofit corporation shall provide 10704
for the board of directors to consist of a minimum of fifteen 10705
members. The appointments to the board of directors shall be made 10706
in accordance with the articles of incorporation and bylaws of the 10707
nonprofit corporation. All appointments to the board of directors 10708
shall satisfy any qualifications set forth in the nonprofit 10709
corporation's bylaws. The appointments to the board of directors 10710
shall be made as follows: 10711

(1) The board of county commissioners of Franklin county 10712
shall appoint five members. 10713

(2) The articles of incorporation shall provide for the 10714
remaining appointments. 10715

(D) The bylaws of the new nonprofit corporation shall provide 10716
for a national veterans advisory committee to consist of veterans 10717
and family members of veterans. Appointments to the national 10718
veterans advisory committee shall be made in accordance with the 10719
bylaws of the nonprofit corporation. 10720

(E) ~~All~~ Notwithstanding any other provision of the Revised 10721
Code, meetings and records of the board of directors of the new 10722

nonprofit corporation ~~shall be conducted and maintained in~~ 10723
~~accordance with the sunshine laws of this state, including, but~~ 10724
~~not limited to, sections~~ are not subject to section 121.22 and 10725
149.43 of the Revised Code, and records of the board and of the 10726
corporation are not public records under section 149.43 of the 10727
Revised Code. 10728

(F) The board of county commissioners of Franklin county may 10729
lease the site described in division (B) of this section together 10730
with any adjacent property, without engaging in competitive 10731
bidding, to an Ohio nonprofit corporation for the construction, 10732
development, and operation of the veterans memorial and museum. A 10733
board of county commissioners may appropriate funds to either the 10734
nonprofit corporation established as provided in this section or 10735
the nonprofit corporation with which the county has leased the 10736
property for permanent improvements and operating expenses of the 10737
veterans memorial and museum. 10738

Sec. 311.42. (A) Each county shall establish in the county 10739
treasury a sheriff's concealed handgun license issuance expense 10740
fund. The sheriff of that county shall deposit into that fund all 10741
fees paid by applicants for the issuance or renewal of a concealed 10742
handgun license or duplicate concealed handgun license under 10743
section 2923.125 of the Revised Code and all fees paid by the 10744
person seeking a concealed handgun license on a temporary 10745
emergency basis under section 2923.1213 of the Revised Code. The 10746
county shall distribute all fees deposited into the fund except 10747
forty dollars of each fee paid by an applicant under division (B) 10748
of section 2923.125 of the Revised Code, fifteen dollars of each 10749
fee paid under section 2923.1213 of the Revised Code, and 10750
thirty-five dollars of each fee paid under division (F) of section 10751
2923.125 of the Revised Code to the attorney general to be used to 10752
pay the cost of background checks performed by the bureau of 10753
criminal identification and investigation and the federal bureau 10754

of investigation and to cover administrative costs associated with 10755
issuing the license. 10756

(B) The sheriff, with the approval of the board of county 10757
commissioners, may expend any county portion of the fees deposited 10758
into the sheriff's concealed handgun license issuance expense fund 10759
for any of the following: 10760

(1) Any costs incurred by the sheriff in connection with 10761
performing any administrative functions related to the issuance of 10762
concealed handgun licenses under section 2923.125 or 2923.1213 of 10763
the Revised Code, including, but not limited to, personnel 10764
expenses and any costs associated with a firearm safety education 10765
program, or a firearm training or qualification program that the 10766
sheriff chooses to fund; 10767

(2) Ammunition and firearms to be used by the sheriff and the 10768
sheriff's employees; 10769

(3) Any costs incurred in constructing, maintaining, or 10770
renovating a shooting range to be used by the sheriff or the 10771
sheriff's employees, including costs incurred for equipment 10772
associated with the shooting range. 10773

Sec. 317.321. (A) Not later than the first day of October of 10774
any year, the county recorder may submit to the board of county 10775
commissioners a proposal for funding any of the following: 10776

(1) The acquisition and maintenance of imaging and other 10777
technological equipment and contract services therefor; 10778

(2) To reserve funds for the office's future technology needs 10779
if the county recorder has no immediate plans for the acquisition 10780
of imaging and other technological equipment or contract services, 10781
or to use the county recorder's technology fund as a dedicated 10782
revenue source to repay debt to purchase any imaging and other 10783
technological equipment before the accumulation of adequate 10784

resources to purchase the equipment with cash. 10785

(3) Subject to division (G) of this section, for other 10786
expenses associated with the acquisition and maintenance of 10787
imaging and other technological equipment and contract services. 10788

(B) The proposal shall be in writing and shall include at 10789
least the following: 10790

(1) A request that an amount not to exceed eight dollars of 10791
the total base fees collected for filing or recording a document 10792
for which a fee is charged as required by division (A)(1) of 10793
section 317.32 or by section 1309.525 or 5310.15 of the Revised 10794
Code be placed in the county treasury to the credit of the county 10795
recorder's technology fund; 10796

(2) Except as provided in division (E)(3) of this section, 10797
the number of years, not to exceed five, for which the county 10798
recorder requests that the amount requested under division (A)(1) 10799
of this section be given the designation specified in that 10800
division; 10801

(3) An estimate of the total amount of fees that will be 10802
generated for filing or recording a document for which a fee is 10803
charged as required by division (A)(1) or (2) of section 317.32 of 10804
the Revised Code or by section 1309.525 or 5310.15 of the Revised 10805
Code; 10806

(4) An estimate of the total amount of fees for filing or 10807
recording a document for which a fee is charged as required by 10808
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 10809
5310.15 of the Revised Code that will be credited to the county 10810
recorder's technology fund if the request submitted under division 10811
(B)(1) of this section is approved by the board of county 10812
commissioners. 10813

(C) A proposal for the purposes of division (A)(1) of this 10814
section shall include a description or summary of the imaging and 10815

other technological equipment that the county recorder proposes to 10816
acquire and maintain, and the nature of contract services that the 10817
county recorder proposes to utilize, if the proposal is for those 10818
purposes. A proposal for the purposes of division (A)(2) of this 10819
section shall explain the general future technology needs of the 10820
office for imaging and other technological equipment, or for 10821
revenue to repay debt, if the proposal is for those purposes. A 10822
proposal for the purposes of division (A)(3) of this section shall 10823
identify the other expenses associated with the acquisition and 10824
maintenance of imaging and other technological equipment and 10825
contract services that the county recorder proposes to pay with 10826
moneys in the county recorder's technology fund, if the proposal 10827
is for those purposes. 10828

(D) The board of county commissioners shall receive a 10829
proposal and the clerk shall enter it on the journal. At the same 10830
time, the board shall establish a date, not sooner than fifteen or 10831
later than thirty days after the board receives the proposal, on 10832
which to meet with the recorder to review the proposal. 10833

(E)(1) Except as provided in division (E)(3) of this section, 10834
not later than the fifteenth day of December of any year in which 10835
a proposal is submitted under division (A) of this section, the 10836
board of county commissioners shall approve, reject, or modify the 10837
proposal and notify the county recorder of its action on the 10838
proposal. If the board rejects or modifies the proposal, it shall 10839
make a written finding that the request is for a purpose other 10840
than for a purpose in division (A) of this section, or that the 10841
amount requested is excessive as determined by the board. 10842

(2) A proposal submitted under division (A) of this section 10843
that was approved by the board of county commissioners before, and 10844
is in effect on ~~, the effective date of this amendment~~ the 10845
effective date of this amendment, shall continue in effect until 10846
January 1, ~~2019~~ 2025, notwithstanding the number of years of 10847

funding specified in the approved proposal. 10848

(3) A proposal submitted under division (A) of this section 10849
between October 1, ~~2013~~ 2019, and October 1, ~~2017~~ 2023, may 10850
request that an amount that does not exceed three dollars be 10851
credited to the county recorder's technology fund, in addition to 10852
the amount previously approved by the board of county 10853
commissioners in a proposal described in division (E)(2) of this 10854
section. The proposal may be submitted each year during that time 10855
period, but shall be limited to funding in the following fiscal 10856
year. If the total of the amount under division (E)(2) of this 10857
section and the amount requested under this division does not 10858
exceed eight dollars, the board shall approve the proposal and 10859
notify the county recorder of its approval. 10860

(4) If the total amount of fees provided for in divisions 10861
(B), (E)(2), and (E)(3) of this section is less than eight 10862
dollars, a proposal requesting additional fees may be submitted to 10863
the board of county commissioners under division (E)(1) of this 10864
section, as long as the total amount of the fees in divisions (B) 10865
and (E)(2), (3), and (4) of this section that are to be credited 10866
to the county recorder's technology fund does not exceed eight 10867
dollars, and the proposal is for a number of years, not to exceed 10868
five. 10869

(5) When a proposal is approved by the board of county 10870
commissioners under division (E) of this section, the county 10871
recorder's technology fund is established in the county treasury, 10872
and, beginning on the following first day of January, the fees 10873
approved shall be deposited in that fund. 10874

(F) The acquisition and maintenance of imaging and other 10875
technological equipment, and other associated expenses and 10876
contract services therefor, shall be specifically governed by 10877
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 10878
and 5705.38, and by division (D) of section 5705.41 of the Revised 10879

Code. 10880

(G) If the use of the county recorder's technology fund for 10881
the purposes of division (A)(3) of this section includes 10882
associated expenses for personnel, the use of the fund for 10883
personnel shall be strictly confined to personnel directly related 10884
to imaging and other technological equipment, and any compensation 10885
increases for those personnel shall not exceed the average of the 10886
annual aggregate percentage increase or decrease in the 10887
compensation fixed by the board of county commissioners for their 10888
employees, and for the officers in section 325.27 of the Revised 10889
Code. Use of the fund for compensation bonuses, or for recognizing 10890
outstanding employee performance in a manner described in section 10891
325.25 of the Revised Code, is prohibited. 10892

(H) If a county is under a fiscal caution under section 10893
118.025 of the Revised Code, or is under a fiscal watch or fiscal 10894
emergency as defined in section 118.01 of the Revised Code, the 10895
board of county commissioners, notwithstanding sections 5705.14 to 10896
5705.16 of the Revised Code, may transfer from the county 10897
recorder's technology fund any moneys the board deems necessary. 10898

Sec. 321.24. (A) On or before the fifteenth day of February, 10899
in each year, the county treasurer shall settle with the county 10900
auditor for all taxes and assessments that the treasurer has 10901
collected on the general duplicate of real and public utility 10902
property at the time of making the settlement. If the county 10903
treasurer has made or will make advance payments to the several 10904
taxing districts of current year unpaid taxes under section 10905
321.341 of the Revised Code before collecting them, the county 10906
treasurer shall take the advance payments into account for 10907
purposes of the settlement with the county auditor under this 10908
division. 10909

(B) On or before the thirtieth day of June, in each year, the 10910

treasurer shall settle with the auditor for all advance payments 10911
of general personal and classified property taxes that the 10912
treasurer has received at the time of making the settlement. 10913

(C) On or before the tenth day of August, in each year, the 10914
treasurer shall settle with the auditor for all taxes and 10915
assessments that the treasurer has collected on the general 10916
duplicates of real and public utility property at the time of 10917
making such settlement, not included in the preceding February 10918
settlement. If the county treasurer has made or will make advance 10919
payments to the several taxing districts of the current year 10920
delinquent taxes under section 321.341 of the Revised Code before 10921
collecting them, the county treasurer shall take the advance 10922
payments into account for purposes of the settlement with the 10923
county auditor under this division. 10924

(D) On or before the thirty-first day of October, in each 10925
year, the treasurer shall settle with the auditor for all taxes 10926
that the treasurer has collected on the general personal and 10927
classified property duplicates, and for all advance payments of 10928
general personal and classified property taxes, not included in 10929
the preceding June settlement, that the treasurer has received at 10930
the time of making such settlement. 10931

(E) In the event the time for the payment of taxes is 10932
extended, pursuant to section 323.17 of the Revised Code, the date 10933
on or before which settlement for the taxes so extended must be 10934
made, as herein prescribed, shall be deemed to be extended for a 10935
like period of time. At each such settlement, the auditor shall 10936
allow to the treasurer, on the moneys received or collected and 10937
accounted for by the treasurer, the treasurer's fees, at the rate 10938
or percentage allowed by law, at a full settlement of the 10939
treasurer. 10940

(F) Within thirty days after the day of each settlement of 10941
taxes required under divisions (A) and (C) of this section, the 10942

treasurer shall certify to the tax commissioner any adjustments 10943
that have been made to the amount certified previously pursuant to 10944
section 319.302 of the Revised Code and that the settlement has 10945
been completed. Upon receipt of such certification, the 10946
commissioner shall provide for payment to the county treasurer 10947
from the general revenue fund of an amount equal to one-half of 10948
the amount certified by the treasurer in the preceding tax year 10949
under section 319.302 of the Revised Code, less the sum of (1) 10950
one-half of the amount computed for all taxing districts in that 10951
county for the current fiscal year under section 5703.80 of the 10952
Revised Code for crediting to the property tax administration fund 10953
and (2) any reduction required by the commissioner under division 10954
(D) of section 718.83 of the Revised Code. Such payment shall be 10955
credited upon receipt to the county's undivided income tax fund, 10956
and the county auditor shall transfer to the county general fund 10957
from the amount thereof the total amount of all fees and charges 10958
which the auditor and treasurer would have been authorized to 10959
receive had such section not been in effect and that amount had 10960
been levied and collected as taxes. The county auditor shall 10961
distribute the amount remaining among the various taxing districts 10962
in the county as if it had been levied, collected, and settled as 10963
real property taxes. The amount distributed to each taxing 10964
district shall be reduced by the total of the amounts computed for 10965
the district under section 5703.80 of the Revised Code, but the 10966
reduction shall not exceed the amount that otherwise would be 10967
distributed to the taxing district under this division. The amount 10968
distributed to a taxing district shall account for any reduction 10969
required by the commissioner under division (D) of section 718.83 10970
of the Revised Code. The tax commissioner shall make available to 10971
taxing districts such information as is sufficient for a taxing 10972
district to be able to determine the amount of the reduction in 10973
its distribution under this section. 10974

(G)(1) Within thirty days after the day of the settlement 10975

required in division (D) of this section, the county treasurer 10976
shall notify the tax commissioner that the settlement has been 10977
completed. Upon receipt of that notification, the commissioner 10978
shall provide for payment to the county treasurer from the general 10979
revenue fund of an amount equal to the amount certified under 10980
former section 319.311 of the Revised Code and paid in the state's 10981
fiscal year 2003 multiplied by the percentage specified in 10982
division (G)(2) of this section. The payment shall be credited 10983
upon receipt to the county's undivided income tax fund, and the 10984
county auditor shall distribute the amount thereof among the 10985
various taxing districts of the county as if it had been levied, 10986
collected, and settled as personal property taxes. The amount 10987
received by a taxing district under this division shall be 10988
apportioned among its funds in the same proportion as the current 10989
year's personal property taxes are apportioned. 10990

(2) Payments required under division (G)(1) of this section 10991
shall be made at the following percentages of the amount certified 10992
under former section 319.311 of the Revised Code and paid under 10993
division (G)(1) of this section in the state's fiscal year 2003: 10994

(a) In fiscal year 2004, ninety per cent; 10995

(b) In fiscal year 2005, eighty per cent; 10996

(c) In fiscal year 2006, sixty-four per cent; 10997

(d) In fiscal year 2007, forty per cent; 10998

(e) In fiscal year 2008, thirty-two per cent; 10999

(f) In fiscal year 2009, sixteen per cent. 11000

After fiscal year 2009, no payments shall be made under 11001
division (G)(1) of this section. 11002

(H)(1) On or before the fifteenth day of April each year, the 11003
county treasurer shall settle with the county auditor for all 11004
manufactured home taxes that the county treasurer has collected on 11005

the manufactured home tax duplicate at the time of making the settlement. 11006
11007

(2) On or before the fifteenth day of September each year, 11008
the county treasurer shall settle with the county auditor for all 11009
remaining manufactured home taxes that the county treasurer has 11010
collected on the manufactured home tax duplicate at the time of 11011
making the settlement. 11012

(3) If the time for payment of such taxes is extended under 11013
section 4503.06 of the Revised Code, the time for making the 11014
settlement as prescribed by divisions (H)(1) and (2) of this 11015
section is extended for a like period of time. 11016

(I) On or before the second Monday in September of each year, 11017
the county treasurer shall certify to the tax commissioner the 11018
total amount by which the manufactured home taxes levied in that 11019
year were reduced pursuant to section 319.302 of the Revised Code. 11020
Within ninety days after the receipt of such certification, the 11021
commissioner shall provide for payment to the county treasurer 11022
from the general revenue fund of an amount equal to the amount 11023
certified by the treasurer. Such payment shall be credited upon 11024
receipt to the county's undivided income tax fund, and the county 11025
auditor shall transfer to the county general fund from the amount 11026
thereof the total amount of all fees and charges that the auditor 11027
and treasurer would have been authorized to receive had such 11028
section not been in effect and that amount had been levied and 11029
collected as manufactured home taxes. The county auditor shall 11030
distribute the amount remaining among the various taxing districts 11031
in the county as if it had been levied, collected, and settled as 11032
manufactured home taxes. 11033

Sec. 323.131. (A) Each tax bill prepared and mailed or 11034
delivered under section 323.13 of the Revised Code shall be in the 11035
form and contain the information required by the tax commissioner. 11036

The commissioner may prescribe different forms for each county and 11037
may authorize the county auditor to make up tax bills and tax 11038
receipts to be used by the county treasurer. For any county in 11039
which the board of county commissioners has granted a partial 11040
property tax exemption on homesteads under section 323.158 of the 11041
Revised Code, the commissioner shall require that the tax bills 11042
for those homesteads include a notice of the amount of the tax 11043
reduction that results from the partial exemption. In addition to 11044
the information required by the commissioner, each tax bill shall 11045
contain the following information: 11046

(1) The taxes levied and the taxes charged and payable 11047
against the property; 11048

(2) The effective tax rate. The words "effective tax rate" 11049
shall appear in boldface type. 11050

(3) A list of the various taxing units to which the taxes 11051
charged are to be allocated and the respective amounts allocated 11052
to each unit, including, in the case of the county, the various 11053
county purposes to which such taxes are to be allocated and the 11054
respective amounts. 11055

(4) The following notices: 11056

(a) "Notice: If the taxes are not paid within sixty days from 11057
the date they are certified delinquent, the property is subject to 11058
foreclosure for tax delinquency." Failure to provide such notice 11059
has no effect upon the validity of any tax foreclosure to which a 11060
property is subjected. 11061

(b) "Notice: If the taxes charged against this parcel have 11062
been reduced by the 2-1/2 per cent tax reduction for residences 11063
occupied by the owner but the property is not a residence occupied 11064
by the owner, the owner must notify the county auditor's office 11065
not later than March 31 of the year following the year for which 11066
the taxes are due. Failure to do so may result in the owner being 11067

convicted of a fourth degree misdemeanor, which is punishable by 11068
imprisonment up to 30 days, a fine up to \$250, or both, and in the 11069
owner having to repay the amount by which the taxes were 11070
erroneously or illegally reduced, plus any interest that may 11071
apply. 11072

If the taxes charged against this parcel have not been 11073
reduced by the 2-1/2 per cent tax reduction and the parcel 11074
includes a residence occupied by the owner, the parcel may qualify 11075
for the tax reduction. To obtain an application for the tax 11076
reduction or further information, the owner may contact the county 11077
auditor's office at (insert the address and telephone 11078
number of the county auditor's office). 11079

~~(4)~~(5) For a tract or lot on the real property tax suspension 11080
list under section 319.48 of the Revised Code, the following 11081
notice: "Notice: The taxes shown due on this bill are for the 11082
current year only. Delinquent taxes, penalties, and interest also 11083
are due on this property. Contact the county treasurer to learn 11084
the total amount due." 11085

The tax bill shall not contain or be mailed or delivered with 11086
any information or material that is not required by this section 11087
or that is not authorized by section 321.45 of the Revised Code or 11088
by the tax commissioner. 11089

(B) If the property is residential rental property, the tax 11090
bill shall contain a statement that the owner of the residential 11091
rental property shall file with the county auditor the information 11092
required under division (A) or (C) of section 5323.02 of the 11093
Revised Code. 11094

(C) Each county auditor and treasurer shall post on their 11095
respective web sites, or on the county's web site, the percentage 11096
of property taxes charged by each taxing unit and, in the case of 11097
the county as a taxing unit, the percentage of taxes charged by 11098

the county for each of the county purposes for which taxes are 11099
charged. 11100

(D) As used in this section, "residential rental property" 11101
has the same meaning as in section 5323.01 of the Revised Code. 11102

Sec. 323.151. As used in sections 323.151 to 323.159 of the 11103
Revised Code: 11104

(A)(1) "Homestead" means either of the following: 11105

(a) A dwelling, including a unit in a multiple-unit dwelling 11106
and a manufactured home or mobile home taxed as real property 11107
pursuant to division (B) of section 4503.06 of the Revised Code, 11108
owned and occupied as a home by an individual whose domicile is in 11109
this state and who has not acquired ownership from a person, other 11110
than the individual's spouse, related by consanguinity or affinity 11111
for the purpose of qualifying for the real property tax reduction 11112
provided in section 323.152 of the Revised Code. 11113

(b) A unit in a housing cooperative that is occupied as a 11114
home, but not owned, by an individual whose domicile is in this 11115
state. 11116

(2) The homestead shall include so much of the land 11117
surrounding it, not exceeding one acre, as is reasonably necessary 11118
for the use of the dwelling or unit as a home. An owner includes a 11119
holder of one of the several estates in fee, a vendee in 11120
possession under a purchase agreement or a land contract, a 11121
mortgagor, a life tenant, one or more tenants with a right of 11122
survivorship, tenants in common, and a settlor of a revocable or 11123
irrevocable inter vivos trust holding the title to a homestead 11124
occupied by the settlor as of right under the trust. The tax 11125
commissioner shall adopt rules for the uniform classification and 11126
valuation of real property or portions of real property as 11127
homesteads. 11128

(B) "Sixty-five years of age or older" means a person who has 11129
attained age sixty-four prior to the first day of January of the 11130
year of application for reduction in real estate taxes. 11131

(C) "Total income" means ~~Ohio modified~~ adjusted gross income, 11132
as that term is defined in section 5747.01 of the Revised Code, of 11133
the owner and the owner's spouse for the year preceding the year 11134
in which application for a reduction in taxes is made, ~~as~~ 11135
~~determined under division (A) of section 5747.01 of the Revised~~ 11136
~~Code.~~ 11137

(D) "Permanently and totally disabled" means that a person 11138
other than a disabled veteran has, on the first day of January of 11139
the year of application for reduction in real estate taxes, some 11140
impairment in body or mind that makes the person unable to work at 11141
any substantially remunerative employment that the person is 11142
reasonably able to perform and that will, with reasonable 11143
probability, continue for an indefinite period of at least twelve 11144
months without any present indication of recovery therefrom or has 11145
been certified as permanently and totally disabled by a state or 11146
federal agency having the function of so classifying persons. 11147

(E) "Housing cooperative" means a housing complex of at least 11148
two units that is owned and operated by a nonprofit corporation 11149
that issues a share of the corporation's stock to an individual, 11150
entitling the individual to live in a unit of the complex, and 11151
collects a monthly maintenance fee from the individual to 11152
maintain, operate, and pay the taxes of the complex. 11153

(F) "Disabled veteran" means a person who is a veteran of the 11154
armed forces of the United States, including reserve components 11155
thereof, or of the national guard, who has been discharged or 11156
released from active duty in the armed forces under honorable 11157
conditions, and who has received a total disability rating or a 11158
total disability rating for compensation based on individual 11159
unemployability for a service-connected disability or combination 11160

of service-connected disabilities as prescribed in Title 38, Part 11161
4 of the Code of Federal Regulations, as amended. 11162

Sec. 339.10. (A) The board of county hospital trustees of a 11163
county hospital may do either of the following: 11164

(1) Form, or acquire control of, a domestic nonprofit 11165
corporation or a domestic nonprofit limited liability company; 11166

(2) Be a partner, member, owner, associate, or participant in 11167
a nonprofit enterprise or nonprofit venture. 11168

(B) A board of county hospital trustees of a county hospital 11169
forming, acquiring, or becoming involved with a nonprofit 11170
corporation, limited liability company, enterprise, or venture 11171
under division (A) of this section shall do so in furtherance of 11172
any of the following: 11173

(1) To support the county hospital's mission; 11174

(2) To provide for any or all health care or medical 11175
services, whether inpatient or outpatient services, diagnostic, 11176
treatment, care, or rehabilitation services, wellness services, 11177
services involving the prevention, detection, and control of 11178
disease, home health services or services provided at or through 11179
various facilities, education, training, and other necessary and 11180
related services for the health professions; 11181

(3) The management or operation of any hospital facility as 11182
defined in division (E) of section 140.01 of the Revised Code; 11183

(4) The management, operation, or participation in programs, 11184
projects, activities, and services useful to, connected with, 11185
supporting, or otherwise related to the health, wellness, and 11186
medical services and wellness programs provided in divisions 11187
(B)(2) and (3) of this section; 11188

(5) Any other activities that are in furtherance of the 11189
county hospital or the persons served by the county hospital or 11190

are necessary to perform the county hospital's mission and 11191
functions and respond to change in the health care industry as 11192
determined by the board of trustees. 11193

Sec. 341.34. (A) As used in this section, "building or 11194
structure" includes, but is not limited to, a modular unit, 11195
building, or structure and a movable unit, building, or structure. 11196

(B)(1) The board of county commissioners of any county, by 11197
resolution, may dedicate and permit the use, as a minimum security 11198
jail, of any vacant or abandoned public building or structure 11199
owned by the county that has not been dedicated to or is not then 11200
in use for any county or other public purpose, or any building or 11201
structure rented or leased by the county. The board of county 11202
commissioners of any county, by resolution, also may dedicate and 11203
permit the use, as a minimum security jail, of any building or 11204
structure purchased by or constructed by or for the county. 11205
Subject to divisions (B)(3) and (C) of this section, upon the 11206
effective date of such a resolution, the specified building or 11207
structure shall be used, in accordance with this section, for the 11208
confinement of persons who meet one of the following conditions: 11209

(a) The person is sentenced to a term of imprisonment for a 11210
traffic violation or a misdemeanor or is sentenced to a 11211
residential sanction in the jail for a felony of the fourth or 11212
fifth degree pursuant to sections 2929.11 to 2929.19 of the 11213
Revised Code, and the jail administrator or the jail 11214
administrator's designee has classified the person as a minimal 11215
security risk. In determining the person's classification under 11216
this division, the administrator or designee shall consider all 11217
relevant factors, including, but not limited to, the person's 11218
escape risk and propensity for assaultive or violent behavior, 11219
based upon the person's prior and current behavior. 11220

(b) The person is charged with a traffic violation, a 11221

misdemeanor, or a felony of the fourth or fifth degree and has had 11222
bail set and has not been released on bail and is confined in a 11223
county or municipal jail pending trial, and the jail administrator 11224
or the jail administrator's designee has classified the person as 11225
a minimal security risk. In determining the person's 11226
classification under this division, the administrator or designee 11227
shall consider all relevant factors, including, but not limited 11228
to, the person's escape risk and propensity for assaultive or 11229
violent behavior, based upon the person's prior and current 11230
behavior. Nothing in this division authorizes the operation or 11231
management of a minimum security jail by a private entity. 11232

(c) The person is an inmate transferred by order of a judge 11233
of the sentencing court upon the request of the sheriff, 11234
administrator, jailer, or other person responsible for operating 11235
the jail other than a contractor as defined in section 9.06 of the 11236
Revised Code, who is named in the request as being suitable for 11237
confinement in a minimum security facility. 11238

(2) The board of county commissioners of any county, by 11239
resolution, may affiliate with one or more adjacent counties, or 11240
with one or more municipal corporations located within the county 11241
or within an adjacent county, and dedicate and permit the use, as 11242
a minimum security jail, of any vacant or abandoned public 11243
building or structure owned by any of the affiliating counties or 11244
municipal corporations that has not been dedicated to or is not 11245
then in use for any public purpose, or any building or structure 11246
rented or leased by any of the affiliating counties or municipal 11247
corporations. The board of county commissioners of any county, by 11248
resolution, also may affiliate with one or more adjacent counties 11249
or with one or more municipal corporations located within the 11250
county or within an adjacent county and dedicate and permit the 11251
use, as a minimum security jail, of any building or structure 11252
purchased by or constructed by or for any of the affiliating 11253

counties or municipal corporations. Any counties and municipal 11254
corporations that affiliate for purposes of this division shall 11255
enter into an agreement that establishes the responsibilities for 11256
the operation and for the cost of operation of the minimum 11257
security jail. Subject to divisions (B)(3) and (C) of this 11258
section, upon the effective date of a resolution adopted under 11259
this division, the specified building or structure shall be used, 11260
in accordance with this section, for the confinement of persons 11261
who meet one of the following conditions: 11262

(a) The person is sentenced to a term of imprisonment for a 11263
traffic violation, a misdemeanor, or a violation of an ordinance 11264
of any municipal corporation, or is sentenced to a residential 11265
sanction in the jail for a felony of the fourth or fifth degree 11266
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 11267
the jail administrator or the jail administrator's designee has 11268
classified the person as a minimal security risk. In determining 11269
the person's classification under this division, the administrator 11270
or designee shall consider all relevant factors, including, but 11271
not limited to, the person's escape risk and propensity for 11272
assaultive or violent behavior, based upon the person's prior and 11273
current behavior. 11274

(b) The person is charged with a traffic violation, a 11275
misdemeanor, or a felony of the fourth or fifth degree and has had 11276
bail set and has not been released on bail and is confined in a 11277
county jail pending trial, and the jail administrator or the jail 11278
administrator's designee has classified the person as a minimal 11279
security risk. In determining the person's classification under 11280
this division, the administrator or designee shall consider all 11281
relevant factors, including, but not limited to, the person's 11282
escape risk and propensity for assaultive or violent behavior, 11283
based upon the person's prior and current behavior. Nothing in 11284
this division authorizes the operation or management of a minimum 11285

security jail by a private entity. 11286

(c) The person is an inmate transferred by order of a judge 11287
of the sentencing court upon the request of the sheriff, 11288
administrator, jailer, or other person responsible for operating 11289
the jail other than a contractor as defined in section 9.06 of the 11290
Revised Code, who is named in the request as being suitable for 11291
confinement in a minimum security facility. 11292

(3) No person shall be confined in a building or structure 11293
dedicated as a minimum security jail under division (B)(1) or (2) 11294
of this section unless the judge who sentenced the person to the 11295
term of imprisonment for the traffic violation or the misdemeanor 11296
specifies that the term of imprisonment is to be served in that 11297
jail, and division (B)(1) or (2) of this section permits the 11298
confinement of the person in that jail or unless the judge who 11299
sentenced the person to the residential sanction for the felony 11300
specifies that the residential sanction is to be served in a jail, 11301
and division (B)(1) or (2) of this section permits the confinement 11302
of the person in that jail. If a rented or leased building or 11303
structure is so dedicated, the building or structure may be used 11304
as a minimum security jail only during the period that it is 11305
rented or leased by the county or by an affiliated county or 11306
municipal corporation. If a person convicted of a misdemeanor is 11307
confined to a building or structure dedicated as a minimum 11308
security jail under division (B)(1) or (2) of this section and the 11309
sheriff, administrator, jailer, or other person responsible for 11310
operating the jail other than a contractor as defined in section 11311
9.06 of the Revised Code determines that it would be more 11312
appropriate for the person so confined to be confined in another 11313
jail or workhouse facility, the sheriff, administrator, jailer, or 11314
other person may transfer the person so confined to a more 11315
appropriate jail or workhouse facility. 11316

(C) All of the following apply to a building or structure 11317

that is dedicated pursuant to division (B)(1) or (2) of this 11318
section for use as a minimum security jail: 11319

(1) To the extent that the use of the building or structure 11320
as a minimum security jail requires a variance from any county, 11321
municipal corporation, or township zoning regulations or 11322
ordinances, the variance shall be granted. 11323

(2) Except as provided in this section, the building or 11324
structure shall not be used to confine any person unless it is in 11325
substantial compliance with any applicable housing, fire 11326
prevention, sanitation, health, and safety codes, regulations, or 11327
standards. 11328

(3) Unless such satisfaction or compliance is required under 11329
the standards described in division (C)(4) of this section, and 11330
notwithstanding any other provision of state or local law to the 11331
contrary, the building or structure need not satisfy or comply 11332
with any state or local building standard or code in order to be 11333
used to confine a person for the purposes specified in division 11334
(B) of this section. 11335

(4) The building or structure shall not be used to confine 11336
any person unless it is in compliance with all minimum standards 11337
and minimum renovation, modification, and construction criteria 11338
for ~~minimum security~~ jails that have been proposed by the 11339
department of rehabilitation and correction, through its bureau of 11340
adult detention, under section 5120.10 of the Revised Code. 11341

(5) The building or structure need not be renovated or 11342
modified into a secure detention facility in order to be used 11343
solely to confine a person for the purposes specified in divisions 11344
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 11345

(6) The building or structure shall be used, equipped, 11346
furnished, and staffed in the manner necessary to provide adequate 11347
and suitable living, sleeping, food service or preparation, 11348

drinking, bathing and toilet, sanitation, and other necessary 11349
facilities, furnishings, and equipment. 11350

(D) Except as provided in this section, a minimum security 11351
jail dedicated and used under this section shall be considered to 11352
be part of the jail, workhouse, or other correctional facilities 11353
of the county or the affiliated counties and municipal 11354
corporations for all purposes under the law. All persons confined 11355
in such a minimum security jail shall be and shall remain, in all 11356
respects, under the control of the county authority that has 11357
responsibility for the management and operation of the jail, 11358
workhouse, or other correctional facilities of the county or, if 11359
it is operated by any affiliation of counties or municipal 11360
corporations, under the control of the specified county or 11361
municipal corporation with that authority, provided that, if the 11362
person was convicted of a felony and is serving a residential 11363
sanction in the facility, all provisions of law that pertain to 11364
persons convicted of a felony that would not by their nature 11365
clearly be inapplicable apply regarding the person. A minimum 11366
security jail dedicated and used under this section shall be 11367
managed and maintained in accordance with policies and procedures 11368
adopted by the board of county commissioners or the affiliated 11369
counties and municipal corporations governing the safe and 11370
healthful operation of the jail, the confinement and supervision 11371
of the persons sentenced to it, and their participation in work 11372
release or similar rehabilitation programs. In addition to other 11373
rules of conduct and discipline, the rights of ingress and egress 11374
of persons confined in a minimum security jail dedicated and used 11375
under this section shall be subject to reasonable restrictions. 11376
Every person confined in a minimum security jail dedicated and 11377
used under this section shall be given verbal and written 11378
notification, at the time of the person's admission to the jail, 11379
that purposely leaving, or purposely failing to return to, the 11380
jail without proper authority or permission constitutes the felony 11381

offense of escape. 11382

(E) If a person who has been convicted of or pleaded guilty 11383
to an offense is sentenced to a term of imprisonment or a 11384
residential sanction in a minimum security jail as described in 11385
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11386
an inmate transferred to a minimum security jail by order of a 11387
judge of the sentencing court as described in division (B)(1)(c) 11388
or (B)(2)(c) of this section, at the time of reception and at 11389
other times the person in charge of the operation of the jail 11390
determines to be appropriate, the sheriff or other person in 11391
charge of the operation of the jail may cause the convicted 11392
offender to be examined and tested for tuberculosis, HIV 11393
infection, hepatitis, including but not limited to hepatitis A, B, 11394
and C, and other contagious diseases. The person in charge of the 11395
operation of the jail may cause a convicted offender in the jail 11396
who refuses to be tested or treated for tuberculosis, HIV 11397
infection, hepatitis, including but not limited to hepatitis A, B, 11398
and C, or another contagious disease to be tested and treated 11399
involuntarily. 11400

Sec. 349.01. As used in this chapter: 11401

(A) "New community" means a community or development of 11402
property in relation to an existing community planned so that the 11403
resulting community includes facilities for the conduct of 11404
industrial, commercial, residential, cultural, educational, and 11405
recreational activities, and designed in accordance with planning 11406
concepts for the placement of utility, open space, and other 11407
supportive facilities. 11408

(B) "New community development program" means a program for 11409
the development of a new community characterized by well-balanced 11410
and diversified land use patterns and which includes land 11411
acquisition and land development, the acquisition, construction, 11412

operation, and maintenance of community facilities, and the 11413
provision of services authorized in this chapter. 11414

A new community development program may take into account any 11415
existing community in relation to which a new community is 11416
developed for purposes of being characterized by well-balanced and 11417
diversified land use patterns. 11418

(C) "New community district" means the area of land described 11419
by the developer in the petition as set forth in division (A) of 11420
section 349.03 of the Revised Code for development as a new 11421
community and any lands added to the district by amendment of the 11422
resolution establishing the community authority. 11423

(D) "New community authority" means a body corporate and 11424
politic in this state, established pursuant to section 349.03 of 11425
the Revised Code and governed by a board of trustees as provided 11426
in section 349.04 of the Revised Code. 11427

(E) "Developer" means any person, organized for carrying out 11428
a new community development program who owns or controls, through 11429
leases of at least seventy-five years' duration, options, or 11430
contracts to purchase, the land within a new community district, 11431
or any municipal corporation, county, or port authority that owns 11432
the land within a new community district, or has the ability to 11433
acquire such land, either by voluntary acquisition or condemnation 11434
in order to eliminate slum, blighted, and deteriorated or 11435
deteriorating areas and to prevent the recurrence thereof. 11436
"Developer" may also mean a person, municipal corporation, county, 11437
or port authority that controls land within a new community 11438
district through leases of at least seventy-five years' duration. 11439

(F) "Organizational board of commissioners" means the 11440
following: 11441

(1) For a new community district that is located in only one 11442
county, the board of county commissioners of that county; 11443

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities,

including all facilities necessary to provide telecommunications 11476
service as defined in section 4927.01 of the Revised Code, 11477
recreational facilities, natural resource facilities, including 11478
parks and other open space land, lakes and streams, cultural 11479
facilities, community streets and off-street parking facilities, 11480
pathway and bikeway systems, pedestrian underpasses and 11481
overpasses, lighting facilities, design amenities, or other 11482
community facilities, and buildings needed in connection with 11483
water supply or sewage disposal installations, or energy 11484
facilities including those for renewable or sustainable energy 11485
sources, and steam, gas, or electric lines or installation. 11486

(J) "Cost" as applied to a new community development program 11487
means all costs related to land acquisition and land development, 11488
the acquisition, construction, maintenance, and operation of 11489
community facilities and offices of the community authority, and 11490
of providing furnishings and equipment therefor, financing charges 11491
including interest prior to and during construction and for the 11492
duration of the new community development program, planning 11493
expenses, engineering expenses, administrative expenses including 11494
working capital, and all other expenses necessary and incident to 11495
the carrying forward of the new community development program. 11496

(K) "Income source" means any and all sources of income to 11497
the community authority, including community development charges 11498
of which the new community authority is the beneficiary as 11499
provided in section 349.07 of the Revised Code, rentals, user fees 11500
and other charges received by the new community authority, any 11501
gift or grant received, any moneys received from any funds 11502
invested by or on behalf of the new community authority, and 11503
proceeds from the sale or lease of land and community facilities. 11504

(L) "Community development charge" means: 11505

(1) A dollar amount which shall be determined on the basis of 11506
the assessed valuation of real property or interests in real 11507

property in a new community district owned, sold, leased, or 11508
otherwise conveyed by the developer or the new community 11509
authority, the income of the residents of such property subject to 11510
such charge under section 349.07 of the Revised Code, if such 11511
property is devoted to residential uses or to the profits, gross 11512
receipts, or other revenues of any business including, but not 11513
limited to, rentals received from leases of real property located 11514
in the district, a uniform or other fee on each parcel of such 11515
real property owned, sold, leased, or otherwise conveyed by the 11516
developer or new community authority, or any combination of the 11517
foregoing bases. 11518

(2) If a new community authority imposes a community 11519
development charge determined on the basis of rentals received 11520
from leases of real property, improvements of any real property 11521
located in the new community district and subject to that charge 11522
may not be exempted from taxation under section 5709.40, 5709.41, 11523
5709.73, or 5709.78 of the Revised Code. 11524

(M) "Proximate city" means the following: 11525

(1) For a new community district other than a new community 11526
district described in division (M)(2) or (3) of this section, any 11527
city that, as of the date of filing of the petition under section 11528
349.03 of the Revised Code, is the city with the greatest 11529
population located in the county in which the proposed new 11530
community district is located, is the city with the greatest 11531
population located in an adjoining county if any portion of such 11532
city is within five miles of any part of the boundaries of such 11533
district, or exercises extraterritorial subdivision authority 11534
under section 711.09 of the Revised Code with respect to any part 11535
of such district. 11536

(2) A municipal corporation in which, at the time of filing 11537
the petition under section 349.03 of the Revised Code, any portion 11538
of the proposed new community district is located. 11539

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 349.03. (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of the organizational board of commissioners. Such petition shall be signed by the developer and may be signed by each proximate city. The legislative authorities of each such proximate city shall act in behalf of such city. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

~~The total acreage included in such district shall be owned by, or under the control through leases of at least seventy five years' duration, options, or contracts to purchase, of the~~

~~developer, if the developer is a private entity, unless one of the following applies:~~ 11570
11571

~~(a) The district is wholly contained within municipal corporations.~~ 11572
11573

~~(b) More than one half of the proposed district is, at the time of filing the petition under this section, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.~~ 11574
11575
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(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor; 11578
11579
11580
11581
11582

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community; 11583
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(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees; 11592
11593

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability; 11594
11595
11596
11597
11598

(8) A statement that the development will comply with all applicable environmental laws and regulations. 11599
11600

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such hearing shall be held not less than ninety-five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate cities or if the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of commissioners with which the petition was filed shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city which has not signed such petition. Except where the organizational board of commissioners is the legislative authority of the only proximate city for the proposed new community district, in the event that the legislative authority of

a proximate city which did not sign the petition does not approve 11634
by ordinance, resolution, or motion the establishment of the 11635
proposed new community authority and does not deliver such 11636
ordinance, resolution, or motion to the clerk of the 11637
organizational board of commissioners with which the petition was 11638
filed within ninety days following the date of the first 11639
publication of the notice of the public hearing, the 11640
organizational board of commissioners shall cancel such public 11641
hearing and terminate the proceedings for the establishment of the 11642
new community authority. 11643

Upon the hearing, if the organizational board of 11644
commissioners determines by resolution that the proposed new 11645
community district will be conducive to the public health, safety, 11646
convenience, and welfare, and is intended to result in the 11647
development of a new community, the board shall by its resolution, 11648
declare the new community authority to be organized and a body 11649
politic and corporate with the corporate name designated in the 11650
resolution, and define the boundary of the new community district. 11651
In addition, the resolution shall provide the method of selecting 11652
the board of trustees of the new community authority and fix the 11653
surety for their bonds in accordance with section 349.04 of the 11654
Revised Code. 11655

If the organizational board of commissioners finds that the 11656
establishment of the district will not be conducive to the public 11657
health, safety, convenience, or welfare, or is not intended to 11658
result in the development of a new community, it shall reject the 11659
petition thereby terminating the proceedings for the establishment 11660
of the new community authority. 11661

(B) At any time after the creation of a new community 11662
authority, the developer may file an application with the clerk of 11663
the organizational board of commissioners with which the original 11664
petition was filed, setting forth a general description of 11665

territory it desires to add or to delete from such district, that 11666
such change will be conducive to the public health, safety, 11667
convenience, and welfare, and will be consistent with the 11668
development of a new community and will not jeopardize the plan of 11669
the new community. If the developer is not a municipal 11670
corporation, port authority, or county, all of such an addition to 11671
such a district shall be owned by, or under the control through 11672
leases of at least seventy-five years' duration, options, or 11673
contracts to purchase, of the developer. Upon the filing of the 11674
application, the organizational board of commissioners shall 11675
follow the same procedure as required by this section in relation 11676
to the petition for the establishment of the proposed new 11677
community. The organizational board of commissioners also may 11678
determine by resolution to add territory to such district, 11679
provided that the owner or other person who controls such 11680
territory through leases of at least forty years' duration, 11681
options, or contracts to purchase files a written consent to the 11682
addition of such territory with the clerk of the organizational 11683
board of commissioners, and the developer does not object to the 11684
addition of such territory by filing a written objection to the 11685
addition of such territory with the clerk of the organizational 11686
board of commissioners before the adoption of the resolution 11687
adding such territory to the district. The organizational board of 11688
commissioners shall follow the same procedure as required by this 11689
section in relation to the petition for the establishment of the 11690
proposed new community when adopting such a resolution. 11691

(C) If all or any part of the new community district is 11692
annexed to one or more existing municipal corporations, their 11693
legislative authorities may appoint persons to replace any 11694
appointed citizen member of the board of trustees. The number of 11695
such trustees to be replaced by the municipal corporation shall be 11696
the number, rounded to the lowest integer, bearing the 11697
proportionate relationship to the number of existing appointed 11698

citizen members as the acreage of the new community district 11699
within such municipal corporation bears to the total acreage of 11700
the new community district. If any such municipal corporation 11701
chooses to replace an appointed citizen member, it shall do so by 11702
ordinance, the term of the trustee being replaced shall terminate 11703
thirty days from the date of passage of such ordinance, and the 11704
trustee to be replaced shall be determined by lot. Each newly 11705
appointed member shall assume the term of the member's 11706
predecessor. 11707

Sec. 349.07. Notwithstanding any other rule of law, any 11708
covenant or agreement in deeds, land contracts, leases and any 11709
other instruments or conveyance by which real estate or any 11710
interest in real estate is conveyed by or to the developer or by 11711
the new community authority to any person or entity, including the 11712
developer, or any declaration of covenants executed by the owner 11713
of real estate, whereby such person or entity agrees, by 11714
acceptance of any such instrument of conveyance containing said 11715
covenant of agreement or execution of said declaration, to pay 11716
annually or semiannually a community development charge for the 11717
benefit and use of the new community authority to cover all or 11718
part of the cost of the acquisition, construction, operation and 11719
maintenance of land, land development and community facilities, 11720
the debt service thereof and any other cost incurred by the 11721
authority in the exercise of the powers granted by Chapter 349. of 11722
the Revised Code shall be deemed to be a covenant running with the 11723
land and shall, in any event and without regard to technical 11724
classification, after such instrument has been duly recorded in 11725
the land records of the county, be fully binding on behalf of and 11726
enforceable by the new community authority against each such 11727
person or entity and all successors and assigns of the property 11728
conveyed by such instrument of conveyance or encumbered by such 11729
declaration. 11730

No purchase agreement for any real estate or interest in real estate upon which a community development charge exists by reason of a covenant running with the land shall be enforceable by the seller or binding upon the purchaser unless such purchase agreement specifically refers to such community development charge and identifies the volume and page number of the deed records of the county in which the covenant running with the land establishing such community development charge is recorded, provided that in the event a conveyance of such real estate or interest in real estate is made pursuant to a purchase agreement which does not make such reference and identification, the covenant shall continue to be deemed to be a covenant running with the land fully binding on behalf of and enforceable by the community authority against such person or entity accepting the conveyance pursuant to such purchase agreement.

The new community authority may certify the community development charge to the county auditor, who shall enter the unpaid charge on the tax list and duplicates of real property opposite the parcel against which it is charged, and certify the charge to the county treasurer. An unpaid community development charge is a lien on property against which it is charged from the date the charge is entered on the tax list, and shall be collected in the manner provided for the collection of real property taxes. Once the charge is collected, it shall be paid immediately to the new community district.

No community development charge established pursuant to this chapter shall be construed as prohibiting or limiting the taxing power of municipal corporations.

Sec. 503.56. (A) As used in this section:

(1) "Tourism development district" means a district designated by a township under this section.

(2) "Territory of a tourism development district" means all 11762
of the area included within the territorial boundaries of a 11763
tourism development district. 11764

(3) "Business" means a sole proprietorship, a corporation for 11765
profit, a pass-through entity as defined in section 5733.04 of the 11766
Revised Code, the federal government, the state, the state's 11767
political subdivisions, a nonprofit organization, or a school 11768
district. A business "operates within the proposed district" if 11769
the business would be subject to a tax levied in the proposed 11770
tourism development district pursuant to division (C) of section 11771
5739.101 of the Revised Code. 11772

(4) "Owner" means a partner of a partnership, a member of a 11773
limited liability company, a majority shareholder of an S 11774
corporation, a person with a majority ownership interest in a 11775
pass-through entity, or any officer, employee, or agent with the 11776
authority to make decisions legally binding upon a business. The 11777
signature of any owner of a business operates as the signature of 11778
the business. 11779

(5) "Eligible township" means a township wholly or partly 11780
located in a county having a population greater than three hundred 11781
seventy-five thousand but less than four hundred thousand that 11782
levies taxes under section 5739.021 or 5739.026 of the Revised 11783
Code, the aggregate rate of which does not exceed one-half of one 11784
per cent on September 29, 2015. 11785

(B)(1) The board of trustees of an eligible township, by 11786
resolution, may declare an unincorporated area of the township to 11787
be a tourism development district for the purpose of fostering and 11788
developing tourism in the district if all of the following 11789
criteria are met: 11790

(a) The district's area does not exceed six hundred acres. 11791

(b) All territory in the district is contiguous. 11792

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The board adopts the resolution on or before December 31, 2020.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee

on each parcel of real property leased by the lessor, to be paid 11824
by each of the person's lessees. A lessee is subject to such a fee 11825
only if the lease separately states the amount of the fee. Before 11826
a lessor may impose and collect such a fee, the lessor shall file 11827
a copy of such lease with the fiscal officer of the township that 11828
designated the tourism development district. A lessor that imposes 11829
such a fee shall remit all collections of the fee to the fiscal 11830
officer of the township in which the real property is located. 11831

The board shall establish all regulations necessary to 11832
provide for the administration and remittance of such fees. The 11833
regulations may prescribe the time for payment of the fee, and may 11834
provide for the imposition of a penalty or interest, or both, for 11835
late remittances, provided that the penalty does not exceed ten 11836
per cent of the amount of fee due, and the rate at which interest 11837
accrues does not exceed the rate per annum prescribed pursuant to 11838
section 5703.47 of the Revised Code. The regulations shall 11839
provide, after deducting the real and actual costs of 11840
administering the fee, that the revenue be used exclusively for 11841
fostering and developing tourism within the tourism development 11842
district. 11843

(D) The board of trustees of an eligible township that has 11844
designated a tourism development district under this section may 11845
levy one or both of the taxes authorized under section 503.57 or 11846
5739.101 of the Revised Code. If the board does not levy a tax 11847
under section 5739.101 of the Revised Code, the board may enter 11848
into and enforce agreements imposing a development charge under 11849
section 503.58 of the Revised Code. 11850

(E) On or before the first day of each January and July, 11851
beginning after the designation of the tourism development 11852
district, the fiscal officer of the township shall certify a list 11853
of vendors located within the tourism development district to the 11854
tax commissioner, which shall include the name, address, and 11855

vendor's license number for each vendor. 11856

Sec. 503.58. (A) The board of trustees of an eligible township that has designated a tourism development district under section 503.56 of the Revised Code may enter into and enforce agreements with one or more owners of property located within the district by which the owner or owners agree to pay a development charge for the purpose of fostering and developing tourism within the district. The amount of the development charge shall equal one-half, one, one and one-half, or two per cent of the gross receipts derived from making sales at or from the property, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code. 11857
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(B) The imposition of a development charge under this section is subject to approval of the board of county commissioners of the county in which the property is located. If the property owner agrees to the development charge and the board of county commissioners, by resolution, approves the agreement, the development charge shall be treated in the same manner as taxes for all purposes of the lien described in section 323.11 of the Revised Code, including, but not limited to, the priority and enforcement of the lien and the collection of the development charge secured by the lien. 11869
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Sec. 505.37. (A) The board of township trustees may establish all necessary rules to guard against the occurrence of fires and to protect the property and lives of the citizens against damage and accidents, and may, with the approval of the specifications by the prosecuting attorney or, if the township has adopted limited home rule government under Chapter 504. of the Revised Code, with the approval of the specifications by the township's law director, purchase, lease, lease with an option to purchase, or otherwise 11879
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provide any fire apparatus, mechanical resuscitators, underwater 11887
rescue and recovery equipment, or other fire equipment, 11888
appliances, materials, fire hydrants, and water supply for 11889
fire-fighting and fire and rescue purposes that seems advisable to 11890
the board. The board shall provide for the care and maintenance of 11891
such fire equipment, and, for these purposes, may purchase, lease, 11892
lease with an option to purchase, or construct and maintain 11893
necessary buildings, and it may establish and maintain lines of 11894
fire-alarm communications within the limits of the township. The 11895
board may employ one or more persons to maintain and operate such 11896
fire equipment, or it may enter into an agreement with a volunteer 11897
fire company for the use and operation of the equipment. The board 11898
may compensate the members of a volunteer fire company on any 11899
basis and in any amount that it considers equitable. 11900

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When the estimated cost to purchase fire apparatus, 11902
mechanical resuscitators, underwater rescue and recovery 11903
equipment, or other fire equipment, appliances, materials, fire 11904
hydrants, buildings, or fire-alarm communications equipment or 11905
services exceeds fifty thousand dollars, the contract shall be let 11906
by competitive bidding. When competitive bidding is required, the 11907
board shall advertise once a week for not less than two 11908
consecutive weeks in a newspaper of general circulation within the 11909
township. The board may also cause notice to be inserted in trade 11910
papers or other publications designated by it or to be distributed 11911
by electronic means, including posting the notice on the board's 11912
internet web site. If the board posts the notice on its web site, 11913
it may eliminate the second notice otherwise required to be 11914
published in a newspaper of general circulation within the 11915
township, provided that the first notice published in such 11916
newspaper meets all of the following requirements: 11917

(1) It is published at least two weeks before the opening of 11918

bids. 11919

(2) It includes a statement that the notice is posted on the board's internet web site. 11920
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(3) It includes the internet address of the board's internet web site. 11922
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(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 11924
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The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement. 11926
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(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire equipment described in division (A) of this section, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon. 11938
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(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and 11947
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lives of the citizens against damages resulting from their 11950
occurrence, create a fire district of any portions of the township 11951
that it considers necessary. The board may purchase, lease, lease 11952
with an option to purchase, or otherwise provide any fire 11953
apparatus, mechanical resuscitators, underwater rescue and 11954
recovery equipment, or other fire equipment, appliances, 11955
materials, fire hydrants, and water supply for fire-fighting and 11956
fire and rescue purposes, or may contract for the fire protection 11957
for the fire district as provided in section 9.60 of the Revised 11958
Code. The fire district so created shall be given a separate name 11959
by which it shall be known. 11960

Additional unincorporated territory of the township may be 11961
added to a fire district upon the board's adoption of a resolution 11962
authorizing the addition. A municipal corporation, or a portion of 11963
a municipal corporation, that is within or adjoining the township 11964
may be added to a fire district upon the board's adoption of a 11965
resolution authorizing the addition and the municipal legislative 11966
authority's adoption of a resolution or ordinance requesting the 11967
addition of the municipal corporation or a portion of the 11968
municipal corporation to the fire district. 11969

If the township fire district imposes a tax, additional 11970
unincorporated territory of the township or a municipal 11971
corporation or a portion of a municipal corporation that is within 11972
or adjoining the township shall become part of the fire district 11973
only after all of the following have occurred: 11974

(1) Adoption by the board of township trustees of a 11975
resolution approving the expansion of the territorial limits of 11976
the district and, if the resolution proposes to add a municipal 11977
corporation or a portion of a municipal corporation, adoption by 11978
the municipal legislative authority of a resolution or ordinance 11979
requesting the addition of the municipal corporation or a portion 11980
of the municipal corporation to the district; 11981

(2) Adoption by the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (C)(2) of this section shall state the name of the fire district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C)(2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C)(3) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within
(description of the proposed territory to be added) be added to (name) fire district, and a property tax at a rate of taxation not exceeding (here insert tax rate) be in effect for (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?"

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or

portion thereof and if it had adopted a tax levy for fire 12013
purposes, the levy is terminated on the effective date of the 12014
joinder in the area of the municipal corporation added to the 12015
district. 12016

Any municipal corporation may withdraw from a township fire 12017
district created under division (C) of this section by the 12018
adoption by the municipal legislative authority of a resolution or 12019
ordinance ordering withdrawal. On the first day of July of the 12020
year following the adoption of the resolution or ordinance of 12021
withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or 12022
the portion thereof ceases to be a part of the district, and the 12023
power of the fire district to levy a tax upon taxable property in 12024
the withdrawing municipal corporation or the portion thereof 12025
terminates, except that the fire district shall continue to levy 12026
and collect taxes for the payment of indebtedness within the 12027
territory of the fire district as it was composed at the time the 12028
indebtedness was incurred. 12029

Upon the withdrawal of any municipal corporation from a 12030
township fire district created under division (C) of this section, 12031
the county auditor shall ascertain, apportion, and order a 12032
division of the funds on hand, moneys and taxes in the process of 12033
collection except for taxes levied for the payment of 12034
indebtedness, credits, and real and personal property, either in 12035
money or in kind, on the basis of the valuation of the respective 12036
tax duplicates of the withdrawing municipal corporation and the 12037
remaining territory of the fire district. 12038

A board of township trustees may remove unincorporated 12039
territory of the township from the fire district upon the adoption 12040
of a resolution authorizing the removal. On the first day of July 12041
of the year following the adoption of the resolution, the 12042
unincorporated township territory described in the resolution 12043
ceases to be a part of the district, and the power of the fire 12044

district to levy a tax upon taxable property in that territory 12045
terminates, except that the fire district shall continue to levy 12046
and collect taxes for the payment of indebtedness within the 12047
territory of the fire district as it was composed at the time the 12048
indebtedness was incurred. 12049

(D) The board of township trustees of any township, the board 12050
of fire district trustees of a fire district created under section 12051
505.371 of the Revised Code, or the legislative authority of any 12052
municipal corporation may purchase, lease, or lease with an option 12053
to purchase the necessary fire equipment described in division (A) 12054
of this section, buildings, and sites for the township, fire 12055
district, or municipal corporation and issue securities for that 12056
purpose with maximum maturities as provided in section 133.20 of 12057
the Revised Code. The board of township trustees, board of fire 12058
district trustees, or legislative authority may also construct any 12059
buildings necessary to house fire equipment and issue securities 12060
for that purpose with maximum maturities as provided in section 12061
133.20 of the Revised Code. 12062

The board of township trustees, board of fire district 12063
trustees, or legislative authority may issue the securities of the 12064
township, fire district, or municipal corporation, signed by the 12065
board or designated officer of the municipal corporation and 12066
attested by the signature of the township fiscal officer, fire 12067
district clerk, or municipal clerk, covering any deferred payments 12068
and payable at the times provided, which securities shall bear 12069
interest not to exceed the rate determined as provided in section 12070
9.95 of the Revised Code, and shall not be subject to Chapter 133. 12071
of the Revised Code. The legislation authorizing the issuance of 12072
the securities shall provide for levying and collecting annually 12073
by taxation, amounts sufficient to pay the interest on and 12074
principal of the securities. The securities shall be offered for 12075
sale on the open market or given to the vendor or contractor if no 12076

sale is made. 12077

Section 505.40 of the Revised Code does not apply to any 12078
securities issued, or any lease with an option to purchase entered 12079
into, in accordance with this division. 12080

(E) A board of township trustees of any township or a board 12081
of fire district trustees of a fire district created under section 12082
505.371 of the Revised Code may purchase a policy or policies of 12083
liability insurance for the officers, employees, and appointees of 12084
the fire department, fire district, or joint fire district 12085
governed by the board that includes personal injury liability 12086
coverage as to the civil liability of those officers, employees, 12087
and appointees for false arrest, detention, or imprisonment, 12088
malicious prosecution, libel, slander, defamation or other 12089
violation of the right of privacy, wrongful entry or eviction, or 12090
other invasion of the right of private occupancy, arising out of 12091
the performance of their duties. 12092

When a board of township trustees cannot, by deed of gift or 12093
by purchase and upon terms it considers reasonable, procure land 12094
for a township fire station that is needed in order to respond in 12095
reasonable time to a fire or medical emergency, the board may 12096
appropriate land for that purpose under sections 163.01 to 163.22 12097
of the Revised Code. If it is necessary to acquire additional 12098
adjacent land for enlarging or improving the fire station, the 12099
board may purchase, appropriate, or accept a deed of gift for the 12100
land for these purposes. 12101

(F) As used in this division, "emergency medical service 12102
organization" has the same meaning as in section 4766.01 of the 12103
Revised Code. 12104

A board of township trustees, by adoption of an appropriate 12105
resolution, may choose to have the state board of emergency 12106
medical, fire, and transportation services license any emergency 12107

medical service organization it operates. If the board adopts such 12108
a resolution, Chapter 4766. of the Revised Code, except for 12109
sections 4766.06 and 4766.99 of the Revised Code, applies to the 12110
organization. All rules adopted under the applicable sections of 12111
that chapter also apply to the organization. A board of township 12112
trustees, by adoption of an appropriate resolution, may remove its 12113
emergency medical service organization from the jurisdiction of 12114
the state board of emergency medical, fire, and transportation 12115
services. 12116

Sec. 505.371. (A) The boards of township trustees of one or 12117
more townships and the legislative authorities of one or more 12118
municipal corporations, or the legislative authorities of two or 12119
more municipal corporations, or the boards of township trustees of 12120
two or more townships, may, by adoption of a joint resolution by a 12121
majority of the members of each board of township trustees and by 12122
a majority of the members of the legislative authority of each 12123
municipal corporation, create a joint fire district comprising all 12124
or any portions of the municipal corporations and all or any 12125
portions of the townships as are mutually agreed upon. A joint 12126
fire district so created shall be given a name different from the 12127
name of any participating township or municipal corporation. 12128

(B) The governing body of the joint fire district shall be a 12129
board of fire district trustees, which shall include one 12130
representative from each board of township trustees and one 12131
representative from the legislative authority of each municipal 12132
corporation in the district. The board of fire district trustees 12133
may exercise the same powers as are granted to a board of township 12134
trustees in sections 505.37 to 505.45 of the Revised Code, 12135
including, but not limited to, the power to levy a tax upon all 12136
taxable property in the fire district as provided in section 12137
505.39 of the Revised Code. The board of fire district trustees 12138
may be compensated at a rate not to exceed thirty dollars per 12139

meeting, not to exceed fifteen meetings per year, and may be 12140
reimbursed for all necessary expenses incurred. The board shall 12141
employ a clerk of the board of fire district trustees. 12142

(C)(1) The board of fire district trustees may establish 12143
reasonable charges for the use of ambulance or emergency medical 12144
services. The board may establish different charges for residents 12145
and nonresidents of the district, and may waive, at its 12146
discretion, all or part of the charge for any resident of the 12147
district. The charge for nonresidents shall be an amount not less 12148
than the authorized medicare reimbursement rate, except that if, 12149
prior to February 4, 1998, the board had different charges for 12150
residents and nonresidents and the charge for nonresidents was 12151
less than the authorized medicare reimbursement rate, the board 12152
may charge nonresidents less than the authorized medicare 12153
reimbursement rate. 12154

(2) In the resolution creating the joint fire district, the 12155
political subdivisions that create the district may provide that 12156
any of those political subdivisions may agree to pay any charges 12157
for the use of ambulance or emergency medical services that the 12158
board of fire district trustees establishes under division (C)(1) 12159
of this section and that are incurred by the residents of the 12160
particular political subdivision. Unless the board elects pursuant 12161
to that division to waive all or part of the charges for the use 12162
of ambulance or emergency medical services that any resident of 12163
the district incurs, the residents of a particular political 12164
subdivision that has not so agreed to pay the charges for the use 12165
of ambulance or emergency medical services incurred by its 12166
residents shall pay those charges. 12167

(3) Charges collected under division (C) of this section 12168
shall be kept in a separate fund designated as the ambulance and 12169
emergency medical services fund and shall be appropriated and 12170
administered by the board. The fund shall be used for the payment 12171

of the costs of the management, maintenance, and operation of 12172
ambulance and emergency medical services in the district. 12173

(4) As used in division (C) of this section, "authorized 12174
medicare reimbursement rate" has the same meaning as in section 12175
505.84 of the Revised Code. 12176

(D) Any municipal corporation or township, or parts of them, 12177
may join an existing joint fire district by the adoption of a 12178
resolution requesting such membership and upon approval of the 12179
board of fire district trustees. Any municipal corporation or 12180
township may withdraw from a joint fire district created under 12181
this section, by the adoption of a resolution ordering withdrawal. 12182
On or after the first day of January of the year following the 12183
adoption of the resolution of withdrawal, the municipal 12184
corporation or township withdrawing ceases to be a part of such 12185
district, and the power of the district to levy a tax upon taxable 12186
property in the withdrawing township or municipal corporation 12187
terminates, except that the district shall continue to levy and 12188
collect taxes for the payment of indebtedness within the territory 12189
of the district as it was comprised at the time the indebtedness 12190
was incurred. 12191

Upon the withdrawal of any township or municipal corporation 12192
from a joint fire district created under this section, the county 12193
auditor shall ascertain, apportion, and order a division of the 12194
funds on hand, including funds in the ambulance and emergency 12195
medical services fund, moneys and taxes in the process of 12196
collection, except for taxes levied for the payment of 12197
indebtedness, credits, and real and personal property, either in 12198
money or in kind, on the basis of the valuation of the respective 12199
tax duplicates of the withdrawing municipal corporation or 12200
township and the remaining territory of the joint fire district. 12201

When the number of townships and municipal corporations 12202
comprising a joint fire district is reduced to one, the joint fire 12203

district ceases to exist by operation of law, and the funds, 12204
credits, and property remaining after apportionments to 12205
withdrawing municipal corporations or townships shall be assumed 12206
by the one remaining township or municipal corporation. When a 12207
joint fire district ceases to exist and an indebtedness remains 12208
unpaid, the board of county commissioners shall continue to levy 12209
and collect taxes for the payment of that indebtedness within the 12210
territory of the joint fire district as it was comprised at the 12211
time the indebtedness was incurred. 12212

(E) Neither this section nor any other section of the Revised 12213
Code requires, or shall be construed to require, that the fire 12214
chief of a joint fire district be a resident of the fire district. 12215

Sec. 513.172. (A) A joint township district hospital board 12216
may do either of the following: 12217

(1) Form, or acquire control of, a domestic nonprofit 12218
corporation or a domestic nonprofit limited liability company; 12219

(2) Be a partner, member, owner, associate, or participant in 12220
a nonprofit enterprise or nonprofit venture. 12221

(B) A joint township district hospital board forming, 12222
acquiring, or becoming involved with a nonprofit corporation, 12223
limited liability company, enterprise, or venture under division 12224
(A) of this section shall do so in furtherance of any of the 12225
following: 12226

(1) To support the joint township hospital district's 12227
mission; 12228

(2) To provide for any or all health care or medical 12229
services, whether inpatient or outpatient services, diagnostic, 12230
treatment, care, or rehabilitation services, wellness services, 12231
services involving the prevention, detection, and control of 12232
disease, home health services or services provided at or through 12233

various facilities, education, training, and other necessary and 12234
related services for the health professions; 12235

(3) The management or operation of any hospital facility as 12236
defined in division (E) of section 140.01 of the Revised Code; 12237

(4) The management, operation, or participation in programs, 12238
projects, activities, and services useful to, connected with, 12239
supporting, or otherwise related to the health, wellness, and 12240
medical services and wellness programs provided in divisions 12241
(B)(2) and (3) of this section; 12242

(5) Any other activities that are in furtherance of the joint 12243
township hospital district or the persons served by the joint 12244
township hospital district or are necessary to perform the joint 12245
township hospital district's mission and functions and respond to 12246
change in the health care industry as determined by the joint 12247
township district hospital board. 12248

Sec. 715.014. (A) As used in this section: 12249

(1) "Tourism development district" means a district 12250
designated by a municipal corporation under this section. 12251

(2) "Territory of a tourism development district" means all 12252
of the area included within the territorial boundaries of a 12253
tourism development district. 12254

(3) "Business" and "owner" have the same meanings as in 12255
section 503.56 of the Revised Code. 12256

(4) "Eligible municipal corporation" means a municipal 12257
corporation wholly or partly located in a county having a 12258
population greater than three hundred seventy-five thousand but 12259
less than four hundred thousand that levies taxes under section 12260
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 12261
which does not exceed one-half of one per cent on September 29, 12262
2015. 12263

(5) "Fiscal officer" means the city auditor, village clerk, 12264
or other municipal officer having the duties and functions of a 12265
city auditor or village clerk. 12266

(B)(1) The legislative authority of an eligible municipal 12267
corporation, by resolution or ordinance, may declare an area of 12268
the municipal corporation to be a tourism development district for 12269
the purpose of fostering and developing tourism in the district if 12270
all of the following criteria are met: 12271

(a) The district's area does not exceed six hundred acres. 12272

(b) All territory in the district is contiguous. 12273

(c) Before adopting the resolution or ordinance, the 12274
legislative authority holds at least two public hearings 12275
concerning the creation of the tourism development district. 12276

(d) Before adopting the resolution or ordinance, the 12277
legislative authority receives a petition signed by every record 12278
owner of a parcel of real property located in the proposed 12279
district and the owner of every business that operates in the 12280
proposed district. 12281

(e) The legislative authority adopts the resolution or 12282
ordinance on or before December 31, 2020. 12283

A legislative authority may declare more than one area of the 12284
municipal corporation to be a tourism development district under 12285
this section. 12286

(2) The petition described in division (B)(1)(d) of this 12287
section shall include an explanation of the taxes and charges that 12288
may be levied or imposed in the proposed district. 12289

(3) The legislative authority shall certify the resolution or 12290
ordinance to the tax commissioner within five days after its 12291
adoption, along with a description of the boundaries of the 12292
district authorized in the resolution. That description shall 12293

include sufficient information for the commissioner to determine 12294
if the address of a vendor is within the boundaries of the 12295
district. 12296

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 12297
of this section, the legislative authority of an eligible 12298
municipal corporation may enlarge the territory of an existing 12299
tourism development district in the manner prescribed for the 12300
creation of a district under divisions (B)(1) to (3) of this 12301
section, except that the petition described in division (B)(1)(d) 12302
of this section must be signed by every record owner of a parcel 12303
of real property located in the area proposed to be added to the 12304
district and the owner of every business that operates in the area 12305
proposed to be added to the district. 12306

(C) For the purpose of fostering and developing tourism in a 12307
tourism development district, a lessor leasing real property in a 12308
tourism development district may impose and collect a uniform fee 12309
on each parcel of real property leased by the lessor, to be paid 12310
by each of the person's lessees. A lessee is subject to such a fee 12311
only if the lease separately states the amount of the fee. Before 12312
a lessor may impose and collect such a fee, the lessor shall file 12313
a copy of such lease with the fiscal officer. A lessor that 12314
imposes such a fee shall remit all collections of the fee to the 12315
municipal corporation in which the real property is located. 12316

The legislative authority of that municipal corporation shall 12317
establish all regulations necessary to provide for the 12318
administration and remittance of such fees. The regulations may 12319
prescribe the time for payment of the fee, and may provide for the 12320
imposition of a penalty or interest, or both, for late 12321
remittances, provided that the penalty does not exceed ten per 12322
cent of the amount of fee due, and the rate at which interest 12323
accrues does not exceed the rate per annum prescribed pursuant to 12324
section 5703.47 of the Revised Code. The regulations shall 12325

provide, after deducting the real and actual costs of 12326
administering the fee, that the revenue be used exclusively for 12327
fostering and developing tourism within the tourism development 12328
district. 12329

(D) The legislative authority of an eligible municipal 12330
corporation that has designated a tourism development district may 12331
levy the tax authorized under section 5739.101 of the Revised Code 12332
or enter into and enforce agreements imposing a development charge 12333
under section 715.015 of the Revised Code. Nothing in this section 12334
limits the power of the legislative authority of a municipal 12335
corporation to levy a tax on the basis of admissions in a tourism 12336
development district pursuant to its powers of local 12337
self-government conferred by Section 3 of Article XVIII, Ohio 12338
Constitution. 12339

(E) On or before the first day of each January and July, 12340
beginning after the designation of a tourism development district, 12341
the fiscal officer shall certify a list of vendors located within 12342
the tourism development district to the tax commissioner, which 12343
shall include the name, address, and vendor's license number for 12344
each vendor. 12345

Sec. 715.015. (A) The legislative authority of an eligible 12346
municipal corporation that has designated a tourism development 12347
district under section 715.014 of the Revised Code may enter into 12348
and enforce agreements with one or more owners of property located 12349
within the district by which the owner or owners agree to pay a 12350
development charge for the purpose of fostering and developing 12351
tourism within the district. The amount of the development charge 12352
shall equal one-half, one, one and one-half, or two per cent of 12353
the gross receipts derived from making sales at or from the 12354
property, whether wholesale or retail, but including sales of food 12355
only to the extent such sales are subject to the tax levied under 12356

section 5739.02 of the Revised Code. 12357

(B) The imposition of a development charge under this section 12358
is subject to approval of the board of county commissioners of the 12359
county in which the property is located. If the property owner 12360
agrees to the development charge and the board of county 12361
commissioners, by resolution, approves the agreement, the 12362
development charge shall be treated in the same manner as taxes 12363
for all purposes of the lien described in section 323.11 of the 12364
Revised Code, including, but not limited to, the priority and 12365
enforcement of the lien and the collection of the development 12366
charge secured by the lien. 12367

(C) Nothing in this section limits the power of the 12368
legislative authority of a municipal corporation to levy taxes 12369
pursuant to its powers of local self-government conferred by 12370
Section 3 of Article XVIII, Ohio Constitution. 12371

Sec. 715.82. A municipal corporation may issue bonds and 12372
exercise all other powers under Chapter 165. of the Revised Code 12373
for one or more projects or parts thereof located in a joint 12374
economic development district created pursuant to a contract 12375
entered into under section 715.70, 715.71, or 715.72 of the 12376
Revised Code to which the municipal corporation is a party, or in 12377
a township adjacent to that municipal corporation, if the 12378
legislative authority of the municipal corporation determines that 12379
the project is in furtherance of the public purposes of the state 12380
to create or preserve jobs and employment opportunities and to 12381
improve the economic welfare of the people of the municipal 12382
corporation and the township. As used in this section, "project" 12383
has the same meaning as in ~~division (H)~~ of section 165.01 of the 12384
Revised Code, except that a project described in this section is 12385
not required to be located within the territorial boundaries of 12386
the municipal corporation. 12387

Sec. 718.01. Any term used in this chapter that is not 12388
otherwise defined in this chapter has the same meaning as when 12389
used in a comparable context in laws of the United States relating 12390
to federal income taxation or in Title LVII of the Revised Code, 12391
unless a different meaning is clearly required. Except as provided 12392
in section 718.81 of the Revised Code, if a term used in this 12393
chapter that is not otherwise defined in this chapter is used in a 12394
comparable context in both the laws of the United States relating 12395
to federal income tax and in Title LVII of the Revised Code and 12396
the use is not consistent, then the use of the term in the laws of 12397
the United States relating to federal income tax shall control 12398
over the use of the term in Title LVII of the Revised Code. 12399

Except as otherwise provided in section 718.81 of the Revised 12400
Code, as used in this chapter: 12401

(A)(1) "Municipal taxable income" means the following: 12402

(a) For a person other than an individual, income apportioned 12403
or situated to the municipal corporation under section 718.02 of 12404
the Revised Code, as applicable, reduced by any pre-2017 net 12405
operating loss carryforward available to the person for the 12406
municipal corporation. 12407

(b)(i) For an individual who is a resident of a municipal 12408
corporation other than a qualified municipal corporation, income 12409
reduced by exempt income to the extent otherwise included in 12410
income, then reduced as provided in division (A)(2) of this 12411
section, and further reduced by any pre-2017 net operating loss 12412
carryforward available to the individual for the municipal 12413
corporation. 12414

(ii) For an individual who is a resident of a qualified 12415
municipal corporation, Ohio adjusted gross income reduced by 12416
income exempted, and increased by deductions excluded, by the 12417
qualified municipal corporation from the qualified municipal 12418

corporation's tax. If a qualified municipal corporation, on or 12419
before December 31, 2013, exempts income earned by individuals who 12420
are not residents of the qualified municipal corporation and net 12421
profit of persons that are not wholly located within the qualified 12422
municipal corporation, such individual or person shall have no 12423
municipal taxable income for the purposes of the tax levied by the 12424
qualified municipal corporation and may be exempted by the 12425
qualified municipal corporation from the requirements of section 12426
718.03 of the Revised Code. 12427

(c) For an individual who is a nonresident of a municipal 12428
corporation, income reduced by exempt income to the extent 12429
otherwise included in income and then, as applicable, apportioned 12430
or situated to the municipal corporation under section 718.02 of 12431
the Revised Code, then reduced as provided in division (A)(2) of 12432
this section, and further reduced by any pre-2017 net operating 12433
loss carryforward available to the individual for the municipal 12434
corporation. 12435

(2) In computing the municipal taxable income of a taxpayer 12436
who is an individual, the taxpayer may subtract, as provided in 12437
division (A)(1)(b)(i) or (c) of this section, the amount of the 12438
individual's employee business expenses reported on the 12439
individual's form 2106 that the individual deducted for federal 12440
income tax purposes for the taxable year, subject to the 12441
limitation imposed by section 67 of the Internal Revenue Code. For 12442
the municipal corporation in which the taxpayer is a resident, the 12443
taxpayer may deduct all such expenses allowed for federal income 12444
tax purposes. For a municipal corporation in which the taxpayer is 12445
not a resident, the taxpayer may deduct such expenses only to the 12446
extent the expenses are related to the taxpayer's performance of 12447
personal services in that nonresident municipal corporation. 12448

(B) "Income" means the following: 12449

(1)(a) For residents, all income, salaries, qualifying wages, 12450

commissions, and other compensation from whatever source earned or 12451
received by the resident, including the resident's distributive 12452
share of the net profit of pass-through entities owned directly or 12453
indirectly by the resident and any net profit of the resident, 12454
except as provided in division (D)(5) of this section. 12455

(b) For the purposes of division (B)(1)(a) of this section: 12456

(i) Any net operating loss of the resident incurred in the 12457
taxable year and the resident's distributive share of any net 12458
operating loss generated in the same taxable year and attributable 12459
to the resident's ownership interest in a pass-through entity 12460
shall be allowed as a deduction, for that taxable year and the 12461
following five taxable years, against any other net profit of the 12462
resident or the resident's distributive share of any net profit 12463
attributable to the resident's ownership interest in a 12464
pass-through entity until fully utilized, subject to division 12465
(B)(1)(d) of this section; 12466

(ii) The resident's distributive share of the net profit of 12467
each pass-through entity owned directly or indirectly by the 12468
resident shall be calculated without regard to any net operating 12469
loss that is carried forward by that entity from a prior taxable 12470
year and applied to reduce the entity's net profit for the current 12471
taxable year. 12472

(c) Division (B)(1)(b) of this section does not apply with 12473
respect to any net profit or net operating loss attributable to an 12474
ownership interest in an S corporation unless shareholders' 12475
distributive shares of net profits from S corporations are subject 12476
to tax in the municipal corporation as provided in division 12477
(C)(14)(b) or (c) of this section. 12478

(d) Any amount of a net operating loss used to reduce a 12479
taxpayer's net profit for a taxable year shall reduce the amount 12480
of net operating loss that may be carried forward to any 12481

subsequent year for use by that taxpayer. In no event shall the 12482
cumulative deductions for all taxable years with respect to a 12483
taxpayer's net operating loss exceed the original amount of that 12484
net operating loss available to that taxpayer. 12485

(2) In the case of nonresidents, all income, salaries, 12486
qualifying wages, commissions, and other compensation from 12487
whatever source earned or received by the nonresident for work 12488
done, services performed or rendered, or activities conducted in 12489
the municipal corporation, including any net profit of the 12490
nonresident, but excluding the nonresident's distributive share of 12491
the net profit or loss of only pass-through entities owned 12492
directly or indirectly by the nonresident. 12493

(3) For taxpayers that are not individuals, net profit of the 12494
taxpayer; 12495

(4) Lottery, sweepstakes, gambling and sports winnings, 12496
winnings from games of chance, and prizes and awards. If the 12497
taxpayer is a professional gambler for federal income tax 12498
purposes, the taxpayer may deduct related wagering losses and 12499
expenses to the extent authorized under the Internal Revenue Code 12500
and claimed against such winnings. 12501

(C) "Exempt income" means all of the following: 12502

(1) The military pay or allowances of members of the armed 12503
forces of the United States or members of their reserve 12504
components, including the national guard of any state; 12505

(2)(a) Except as provided in division (C)(2)(b) of this 12506
section, intangible income; 12507

(b) A municipal corporation that taxed any type of intangible 12508
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 12509
116th general assembly, may continue to tax that type of income if 12510
a majority of the electors of the municipal corporation voting on 12511
the question of whether to permit the taxation of that type of 12512

intangible income after 1988 voted in favor thereof at an election 12513
held on November 8, 1988. 12514

(3) Social security benefits, railroad retirement benefits, 12515
unemployment compensation, pensions, retirement benefit payments, 12516
payments from annuities, and similar payments made to an employee 12517
or to the beneficiary of an employee under a retirement program or 12518
plan, disability payments received from private industry or local, 12519
state, or federal governments or from charitable, religious or 12520
educational organizations, and the proceeds of sickness, accident, 12521
or liability insurance policies. As used in division (C)(3) of 12522
this section, "unemployment compensation" does not include 12523
supplemental unemployment compensation described in section 12524
3402(o)(2) of the Internal Revenue Code. 12525

(4) The income of religious, fraternal, charitable, 12526
scientific, literary, or educational institutions to the extent 12527
such income is derived from tax-exempt real estate, tax-exempt 12528
tangible or intangible property, or tax-exempt activities. 12529

(5) Compensation paid under section 3501.28 or 3501.36 of the 12530
Revised Code to a person serving as a precinct election official 12531
to the extent that such compensation does not exceed one thousand 12532
dollars for the taxable year. Such compensation in excess of one 12533
thousand dollars for the taxable year may be subject to taxation 12534
by a municipal corporation. A municipal corporation shall not 12535
require the payer of such compensation to withhold any tax from 12536
that compensation. 12537

(6) Dues, contributions, and similar payments received by 12538
charitable, religious, educational, or literary organizations or 12539
labor unions, lodges, and similar organizations; 12540

(7) Alimony and child support received; 12541

(8) Compensation for personal injuries or for damages to 12542
property from insurance proceeds or otherwise, excluding 12543

compensation paid for lost salaries or wages or compensation from 12544
punitive damages; 12545

(9) Income of a public utility when that public utility is 12546
subject to the tax levied under section 5727.24 or 5727.30 of the 12547
Revised Code. Division (C)(9) of this section does not apply for 12548
purposes of Chapter 5745. of the Revised Code. 12549

(10) Gains from involuntary conversions, interest on federal 12550
obligations, items of income subject to a tax levied by the state 12551
and that a municipal corporation is specifically prohibited by law 12552
from taxing, and income of a decedent's estate during the period 12553
of administration except such income from the operation of a trade 12554
or business; 12555

(11) Compensation or allowances excluded from federal gross 12556
income under section 107 of the Internal Revenue Code; 12557

(12) Employee compensation that is not qualifying wages as 12558
defined in division (R) of this section; 12559

(13) Compensation paid to a person employed within the 12560
boundaries of a United States air force base under the 12561
jurisdiction of the United States air force that is used for the 12562
housing of members of the United States air force and is a center 12563
for air force operations, unless the person is subject to taxation 12564
because of residence or domicile. If the compensation is subject 12565
to taxation because of residence or domicile, tax on such income 12566
shall be payable only to the municipal corporation of residence or 12567
domicile. 12568

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12569
this section, an S corporation shareholder's distributive share of 12570
net profits of the S corporation, other than any part of the 12571
distributive share of net profits that represents wages as defined 12572
in section 3121(a) of the Internal Revenue Code or net earnings 12573
from self-employment as defined in section 1402(a) of the Internal 12574

Revenue Code. 12575

(b) If, pursuant to division (H) of former section 718.01 of 12576
the Revised Code as it existed before March 11, 2004, a majority 12577
of the electors of a municipal corporation voted in favor of the 12578
question at an election held on November 4, 2003, the municipal 12579
corporation may continue after 2002 to tax an S corporation 12580
shareholder's distributive share of net profits of an S 12581
corporation. 12582

(c) If, on December 6, 2002, a municipal corporation was 12583
imposing, assessing, and collecting a tax on an S corporation 12584
shareholder's distributive share of net profits of the S 12585
corporation to the extent the distributive share would be 12586
allocated or apportioned to this state under divisions (B)(1) and 12587
(2) of section 5733.05 of the Revised Code if the S corporation 12588
were a corporation subject to taxes imposed under Chapter 5733. of 12589
the Revised Code, the municipal corporation may continue to impose 12590
the tax on such distributive shares to the extent such shares 12591
would be so allocated or apportioned to this state only until 12592
December 31, 2004, unless a majority of the electors of the 12593
municipal corporation voting on the question of continuing to tax 12594
such shares after that date voted in favor of that question at an 12595
election held November 2, 2004. If a majority of those electors 12596
voted in favor of the question, the municipal corporation may 12597
continue after December 31, 2004, to impose the tax on such 12598
distributive shares only to the extent such shares would be so 12599
allocated or apportioned to this state. 12600

(d) A municipal corporation shall be deemed to have elected 12601
to tax S corporation shareholders' distributive shares of net 12602
profits of the S corporation in the hands of the shareholders if a 12603
majority of the electors of a municipal corporation voted in favor 12604
of a question at an election held under division (C)(14)(b) or (c) 12605
of this section. The municipal corporation shall specify by 12606

resolution or ordinance that the tax applies to the distributive 12607
share of a shareholder of an S corporation in the hands of the 12608
shareholder of the S corporation. 12609

(15) To the extent authorized under a resolution or ordinance 12610
adopted by a municipal corporation before January 1, 2016, all or 12611
a portion of the income of individuals or a class of individuals 12612
under eighteen years of age. 12613

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12614
(d) of this section, qualifying wages described in division (B)(1) 12615
or (E) of section 718.011 of the Revised Code to the extent the 12616
qualifying wages are not subject to withholding for the municipal 12617
corporation under either of those divisions. 12618

(b) The exemption provided in division (C)(16)(a) of this 12619
section does not apply with respect to the municipal corporation 12620
in which the employee resided at the time the employee earned the 12621
qualifying wages. 12622

(c) The exemption provided in division (C)(16)(a) of this 12623
section does not apply to qualifying wages that an employer elects 12624
to withhold under division (D)(2) of section 718.011 of the 12625
Revised Code. 12626

(d) The exemption provided in division (C)(16)(a) of this 12627
section does not apply to qualifying wages if both of the 12628
following conditions apply: 12629

(i) For qualifying wages described in division (B)(1) of 12630
section 718.011 of the Revised Code, the employee's employer 12631
withholds and remits tax on the qualifying wages to the municipal 12632
corporation in which the employee's principal place of work is 12633
situated, or, for qualifying wages described in division (E) of 12634
section 718.011 of the Revised Code, the employee's employer 12635
withholds and remits tax on the qualifying wages to the municipal 12636
corporation in which the employer's fixed location is located; 12637

(ii) The employee receives a refund of the tax described in 12638
division (C)(16)(d)(i) of this section on the basis of the 12639
employee not performing services in that municipal corporation. 12640

(17)(a) Except as provided in division (C)(17)(b) or (c) of 12641
this section, compensation that is not qualifying wages paid to a 12642
nonresident individual for personal services performed in the 12643
municipal corporation on not more than twenty days in a taxable 12644
year. 12645

(b) The exemption provided in division (C)(17)(a) of this 12646
section does not apply under either of the following 12647
circumstances: 12648

(i) The individual's base of operation is located in the 12649
municipal corporation. 12650

(ii) The individual is a professional athlete, professional 12651
entertainer, or public figure, and the compensation is paid for 12652
the performance of services in the individual's capacity as a 12653
professional athlete, professional entertainer, or public figure. 12654
For purposes of division (C)(17)(b)(ii) of this section, 12655
"professional athlete," "professional entertainer," and "public 12656
figure" have the same meanings as in section 718.011 of the 12657
Revised Code. 12658

(c) Compensation to which division (C)(17) of this section 12659
applies shall be treated as earned or received at the individual's 12660
base of operation. If the individual does not have a base of 12661
operation, the compensation shall be treated as earned or received 12662
where the individual is domiciled. 12663

(d) For purposes of division (C)(17) of this section, "base 12664
of operation" means the location where an individual owns or rents 12665
an office, storefront, or similar facility to which the individual 12666
regularly reports and at which the individual regularly performs 12667
personal services for compensation. 12668

(18) Compensation paid to a person for personal services 12669
performed for a political subdivision on property owned by the 12670
political subdivision, regardless of whether the compensation is 12671
received by an employee of the subdivision or another person 12672
performing services for the subdivision under a contract with the 12673
subdivision, if the property on which services are performed is 12674
annexed to a municipal corporation pursuant to section 709.023 of 12675
the Revised Code on or after March 27, 2013, unless the person is 12676
subject to such taxation because of residence. If the compensation 12677
is subject to taxation because of residence, municipal income tax 12678
shall be payable only to the municipal corporation of residence. 12679

(19) In the case of a tax administered, collected, and 12680
enforced by a municipal corporation pursuant to an agreement with 12681
the board of directors of a joint economic development district 12682
under section 715.72 of the Revised Code, the net profits of a 12683
business, and the income of the employees of that business, 12684
exempted from the tax under division (Q) of that section. 12685

(20) All of the following: 12686

(a) Income derived from disaster work conducted in this state 12687
by an out-of-state disaster business during a disaster response 12688
period pursuant to a qualifying solicitation received by the 12689
business; 12690

(b) Income of a qualifying employee described in division 12691
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 12692
such income is derived from disaster work conducted in this state 12693
by the employee during a disaster response period pursuant to a 12694
qualifying solicitation received by the employee's employer; 12695

(c) Income of a qualifying employee described in division 12696
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 12697
such income is derived from disaster work conducted in this state 12698
by the employee during a disaster response period on critical 12699

infrastructure owned or used by the employee's employer. 12700

(21) Income the taxation of which is prohibited by the 12701
constitution or laws of the United States. 12702

Any item of income that is exempt income of a pass-through 12703
entity under division (C) of this section is exempt income of each 12704
owner of the pass-through entity to the extent of that owner's 12705
distributive or proportionate share of that item of the entity's 12706
income. 12707

(D)(1) "Net profit" for a person who is an individual means 12708
the individual's net profit required to be reported on schedule C, 12709
schedule E, or schedule F reduced by any net operating loss 12710
carried forward. For the purposes of division (D)(1) of this 12711
section, the net operating loss carried forward shall be 12712
calculated and deducted in the same manner as provided in division 12713
(D)(3) of this section. 12714

(2) "Net profit" for a person other than an individual means 12715
adjusted federal taxable income reduced by any net operating loss 12716
incurred by the person in a taxable year beginning on or after 12717
January 1, 2017, subject to the limitations of division (D)(3) of 12718
this section. 12719

(3)(a) The amount of such net operating loss shall be 12720
deducted from net profit to the extent necessary to reduce 12721
municipal taxable income to zero, with any remaining unused 12722
portion of the net operating loss carried forward to not more than 12723
five consecutive taxable years following the taxable year in which 12724
the loss was incurred, but in no case for more years than 12725
necessary for the deduction to be fully utilized. 12726

(b) No person shall use the deduction allowed by division 12727
(D)(3) of this section to offset qualifying wages. 12728

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12729
or 2022, a person may not deduct, for purposes of an income tax 12730

levied by a municipal corporation that levies an income tax before 12731
January 1, 2016, more than fifty per cent of the amount of the 12732
deduction otherwise allowed by division (D)(3) of this section. 12733

(ii) For taxable years beginning in 2023 or thereafter, a 12734
person may deduct, for purposes of an income tax levied by a 12735
municipal corporation that levies an income tax before January 1, 12736
2016, the full amount allowed by division (D)(3) of this section 12737
without regard to the limitation of division (D)(3)(b)(i) of this 12738
section. 12739

(d) Any pre-2017 net operating loss carryforward deduction 12740
that is available may be utilized before a taxpayer may deduct any 12741
amount pursuant to division (D)(3) of this section. 12742

(e) Nothing in division (D)(3)(c)(i) of this section 12743
precludes a person from carrying forward, for use with respect to 12744
any return filed for a taxable year beginning after 2018, any 12745
amount of net operating loss that was not fully utilized by 12746
operation of division (D)(3)(c)(i) of this section. To the extent 12747
that an amount of net operating loss that was not fully utilized 12748
in one or more taxable years by operation of division (D)(3)(c)(i) 12749
of this section is carried forward for use with respect to a 12750
return filed for a taxable year beginning in 2019, 2020, 2021, or 12751
2022, the limitation described in division (D)(3)(c)(i) of this 12752
section shall apply to the amount carried forward. 12753

(4) For the purposes of this chapter, and notwithstanding 12754
division (D)(2) of this section, net profit of a disregarded 12755
entity shall not be taxable as against that disregarded entity, 12756
but shall instead be included in the net profit of the owner of 12757
the disregarded entity. 12758

(5) For the purposes of this chapter, and notwithstanding any 12759
other provision of this chapter, the net profit of a publicly 12760
traded partnership that makes the election described in division 12761

(D)(5) of this section shall be taxed as if the partnership were a 12762
C corporation, and shall not be treated as the net profit or 12763
income of any owner of the partnership. 12764

A publicly traded partnership that is treated as a 12765
partnership for federal income tax purposes and that is subject to 12766
tax on its net profits in one or more municipal corporations in 12767
this state may elect to be treated as a C corporation for 12768
municipal income tax purposes. The publicly traded partnership 12769
shall make the election in every municipal corporation in which 12770
the partnership is subject to taxation on its net profits. The 12771
election shall be made on the annual tax return filed in each such 12772
municipal corporation. The publicly traded partnership shall not 12773
be required to file the election with any municipal corporation in 12774
which the partnership is not subject to taxation on its net 12775
profits, but division (D)(5) of this section applies to all 12776
municipal corporations in which an individual owner of the 12777
partnership resides. 12778

(E) "Adjusted federal taxable income," for a person required 12779
to file as a C corporation, or for a person that has elected to be 12780
taxed as a C corporation under division (D)(5) of this section, 12781
means a C corporation's federal taxable income before net 12782
operating losses and special deductions as determined under the 12783
Internal Revenue Code, adjusted as follows: 12784

(1) Deduct intangible income to the extent included in 12785
federal taxable income. The deduction shall be allowed regardless 12786
of whether the intangible income relates to assets used in a trade 12787
or business or assets held for the production of income. 12788

(2) Add an amount equal to five per cent of intangible income 12789
deducted under division (E)(1) of this section, but excluding that 12790
portion of intangible income directly related to the sale, 12791
exchange, or other disposition of property described in section 12792
1221 of the Internal Revenue Code; 12793

(3) Add any losses allowed as a deduction in the computation	12794
of federal taxable income if the losses directly relate to the	12795
sale, exchange, or other disposition of an asset described in	12796
section 1221 or 1231 of the Internal Revenue Code;	12797
(4)(a) Except as provided in division (E)(4)(b) of this	12798
section, deduct income and gain included in federal taxable income	12799
to the extent the income and gain directly relate to the sale,	12800
exchange, or other disposition of an asset described in section	12801
1221 or 1231 of the Internal Revenue Code;	12802
(b) Division (E)(4)(a) of this section does not apply to the	12803
extent the income or gain is income or gain described in section	12804
1245 or 1250 of the Internal Revenue Code.	12805
(5) Add taxes on or measured by net income allowed as a	12806
deduction in the computation of federal taxable income;	12807
(6) In the case of a real estate investment trust or	12808
regulated investment company, add all amounts with respect to	12809
dividends to, distributions to, or amounts set aside for or	12810
credited to the benefit of investors and allowed as a deduction in	12811
the computation of federal taxable income;	12812
(7) Deduct, to the extent not otherwise deducted or excluded	12813
in computing federal taxable income, any income derived from a	12814
transfer agreement or from the enterprise transferred under that	12815
agreement under section 4313.02 of the Revised Code;	12816
(8) Deduct exempt income to the extent not otherwise deducted	12817
or excluded in computing adjusted federal taxable income.	12818
(9) Deduct any net profit of a pass-through entity owned	12819
directly or indirectly by the taxpayer and included in the	12820
taxpayer's federal taxable income unless an affiliated group of	12821
corporations includes that net profit in the group's federal	12822
taxable income in accordance with division (E)(3)(b) of section	12823
718.06 of the Revised Code.	12824

(10) Add any loss incurred by a pass-through entity owned 12825
directly or indirectly by the taxpayer and included in the 12826
taxpayer's federal taxable income unless an affiliated group of 12827
corporations includes that loss in the group's federal taxable 12828
income in accordance with division (E)(3)(b) of section 718.06 of 12829
the Revised Code. 12830

If the taxpayer is not a C corporation, is not a disregarded 12831
entity that has made the election described in division (L)(2) of 12832
this section, is not a publicly traded partnership that has made 12833
the election described in division (D)(5) of this section, and is 12834
not an individual, the taxpayer shall compute adjusted federal 12835
taxable income under this section as if the taxpayer were a C 12836
corporation, except guaranteed payments and other similar amounts 12837
paid or accrued to a partner, former partner, shareholder, former 12838
shareholder, member, or former member shall not be allowed as a 12839
deductible expense unless such payments are in consideration for 12840
the use of capital and treated as payment of interest under 12841
section 469 of the Internal Revenue Code or United States treasury 12842
regulations. Amounts paid or accrued to a qualified self-employed 12843
retirement plan with respect to a partner, former partner, 12844
shareholder, former shareholder, member, or former member of the 12845
taxpayer, amounts paid or accrued to or for health insurance for a 12846
partner, former partner, shareholder, former shareholder, member, 12847
or former member, and amounts paid or accrued to or for life 12848
insurance for a partner, former partner, shareholder, former 12849
shareholder, member, or former member shall not be allowed as a 12850
deduction. 12851

Nothing in division (E) of this section shall be construed as 12852
allowing the taxpayer to add or deduct any amount more than once 12853
or shall be construed as allowing any taxpayer to deduct any 12854
amount paid to or accrued for purposes of federal self-employment 12855
tax. 12856

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	12857 12858 12859
(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	12860 12861 12862
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	12863 12864 12865
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	12866 12867
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	12868 12869 12870
(K) "Nonresident" means an individual that is not a resident.	12871
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	12872 12873 12874 12875
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	12876 12877 12878 12879 12880 12881
(i) The limited liability company's single member is also a limited liability company.	12882 12883
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	12884 12885 12886

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity"

does not include a trust, estate, grantor of a grantor trust, or 12918
disregarded entity. 12919

(O) "S corporation" means a person that has made an election 12920
under subchapter S of Chapter 1 of Subtitle A of the Internal 12921
Revenue Code for its taxable year. 12922

(P) "Single member limited liability company" means a limited 12923
liability company that has one direct member. 12924

(Q) "Limited liability company" means a limited liability 12925
company formed under Chapter 1705. of the Revised Code or under 12926
the laws of another state. 12927

(R) "Qualifying wages" means wages, as defined in section 12928
3121(a) of the Internal Revenue Code, without regard to any wage 12929
limitations, adjusted as follows: 12930

(1) Deduct the following amounts: 12931

(a) Any amount included in wages if the amount constitutes 12932
compensation attributable to a plan or program described in 12933
section 125 of the Internal Revenue Code. 12934

(b) Any amount included in wages if the amount constitutes 12935
payment on account of a disability related to sickness or an 12936
accident paid by a party unrelated to the employer, agent of an 12937
employer, or other payer. 12938

(c) Any amount attributable to a nonqualified deferred 12939
compensation plan or program described in section 3121(v)(2)(C) of 12940
the Internal Revenue Code if the compensation is included in wages 12941
and the municipal corporation has, by resolution or ordinance 12942
adopted before January 1, 2016, exempted the amount from 12943
withholding and tax. 12944

(d) Any amount included in wages if the amount arises from 12945
the sale, exchange, or other disposition of a stock option, the 12946
exercise of a stock option, or the sale, exchange, or other 12947

disposition of stock purchased under a stock option and the 12948
municipal corporation has, by resolution or ordinance adopted 12949
before January 1, 2016, exempted the amount from withholding and 12950
tax. 12951

(e) Any amount included in wages that is exempt income. 12952

(2) Add the following amounts: 12953

(a) Any amount not included in wages solely because the 12954
employee was employed by the employer before April 1, 1986. 12955

(b) Any amount not included in wages because the amount 12956
arises from the sale, exchange, or other disposition of a stock 12957
option, the exercise of a stock option, or the sale, exchange, or 12958
other disposition of stock purchased under a stock option and the 12959
municipal corporation has not, by resolution or ordinance, 12960
exempted the amount from withholding and tax adopted before 12961
January 1, 2016. Division (R)(2)(b) of this section applies only 12962
to those amounts constituting ordinary income. 12963

(c) Any amount not included in wages if the amount is an 12964
amount described in section 401(k), 403(b), or 457 of the Internal 12965
Revenue Code. Division (R)(2)(c) of this section applies only to 12966
employee contributions and employee deferrals. 12967

(d) Any amount that is supplemental unemployment compensation 12968
benefits described in section 3402(o)(2) of the Internal Revenue 12969
Code and not included in wages. 12970

(e) Any amount received that is treated as self-employment 12971
income for federal tax purposes in accordance with section 12972
1402(a)(8) of the Internal Revenue Code. 12973

(f) Any amount not included in wages if all of the following 12974
apply: 12975

(i) For the taxable year the amount is employee compensation 12976
that is earned outside of the United States and that either is 12977

included in the taxpayer's gross income for federal income tax 12978
purposes or would have been included in the taxpayer's gross 12979
income for such purposes if the taxpayer did not elect to exclude 12980
the income under section 911 of the Internal Revenue Code; 12981

(ii) For no preceding taxable year did the amount constitute 12982
wages as defined in section 3121(a) of the Internal Revenue Code; 12983

(iii) For no succeeding taxable year will the amount 12984
constitute wages; and 12985

(iv) For any taxable year the amount has not otherwise been 12986
added to wages pursuant to either division (R)(2) of this section 12987
or section 718.03 of the Revised Code, as that section existed 12988
before the effective date of H.B. 5 of the 130th general assembly, 12989
March 23, 2015. 12990

(S) "Intangible income" means income of any of the following 12991
types: income yield, interest, capital gains, dividends, or other 12992
income arising from the ownership, sale, exchange, or other 12993
disposition of intangible property including, but not limited to, 12994
investments, deposits, money, or credits as those terms are 12995
defined in Chapter 5701. of the Revised Code, and patents, 12996
copyrights, trademarks, tradenames, investments in real estate 12997
investment trusts, investments in regulated investment companies, 12998
and appreciation on deferred compensation. "Intangible income" 12999
does not include prizes, awards, or other income associated with 13000
any lottery winnings, gambling winnings, or other similar games of 13001
chance. 13002

(T) "Taxable year" means the corresponding tax reporting 13003
period as prescribed for the taxpayer under the Internal Revenue 13004
Code. 13005

(U) "Tax administrator" means the individual charged with 13006
direct responsibility for administration of an income tax levied 13007
by a municipal corporation in accordance with this chapter, and 13008

also includes the following: 13009

(1) A municipal corporation acting as the agent of another 13010
municipal corporation; 13011

(2) A person retained by a municipal corporation to 13012
administer a tax levied by the municipal corporation, but only if 13013
the municipal corporation does not compensate the person in whole 13014
or in part on a contingency basis; 13015

(3) The central collection agency or the regional income tax 13016
agency or their successors in interest, or another entity 13017
organized to perform functions similar to those performed by the 13018
central collection agency and the regional income tax agency. 13019

"Tax administrator" does not include the tax commissioner. 13020

(V) "Employer" means a person that is an employer for federal 13021
income tax purposes. 13022

(W) "Employee" means an individual who is an employee for 13023
federal income tax purposes. 13024

(X) "Other payer" means any person, other than an 13025
individual's employer or the employer's agent, that pays an 13026
individual any amount included in the federal gross income of the 13027
individual. "Other payer" includes casino operators and video 13028
lottery terminal sales agents. 13029

(Y) "Calendar quarter" means the three-month period ending on 13030
the last day of March, June, September, or December. 13031

(Z) "Form 2106" means internal revenue service form 2106 13032
filed by a taxpayer pursuant to the Internal Revenue Code. 13033

(AA) "Municipal corporation" includes a joint economic 13034
development district or joint economic development zone that 13035
levies an income tax under section 715.691, 715.70, 715.71, or 13036
715.72 of the Revised Code. 13037

(BB) "Disregarded entity" means a single member limited 13038

liability company, a qualifying subchapter S subsidiary, or 13039
another entity if the company, subsidiary, or entity is a 13040
disregarded entity for federal income tax purposes. 13041

(CC) "Generic form" means an electronic or paper form that is 13042
not prescribed by a particular municipal corporation and that is 13043
designed for reporting taxes withheld by an employer, agent of an 13044
employer, or other payer, estimated municipal income taxes, or 13045
annual municipal income tax liability or for filing a refund 13046
claim. 13047

(DD) "Tax return preparer" means any individual described in 13048
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 13049
301.7701-15. 13050

(EE) "Ohio business gateway" means the online computer 13051
network system, created under section 125.30 of the Revised Code, 13052
that allows persons to electronically file business reply forms 13053
with state agencies and includes any successor electronic filing 13054
and payment system. 13055

(FF) "Local board of tax review" and "board of tax review" 13056
mean the entity created under section 718.11 of the Revised Code. 13057

(GG) "Net operating loss" means a loss incurred by a person 13058
in the operation of a trade or business. "Net operating loss" does 13059
not include unutilized losses resulting from basis limitations, 13060
at-risk limitations, or passive activity loss limitations. 13061

(HH) "Casino operator" and "casino facility" have the same 13062
meanings as in section 3772.01 of the Revised Code. 13063

(II) "Video lottery terminal" has the same meaning as in 13064
section 3770.21 of the Revised Code. 13065

(JJ) "Video lottery terminal sales agent" means a lottery 13066
sales agent licensed under Chapter 3770. of the Revised Code to 13067
conduct video lottery terminals on behalf of the state pursuant to 13068

section 3770.21 of the Revised Code. 13069

(KK) "Postal service" means the United States postal service. 13070

(LL) "Certified mail," "express mail," "United States mail," 13071
"postal service," and similar terms include any delivery service 13072
authorized pursuant to section 5703.056 of the Revised Code. 13073

(MM) "Postmark date," "date of postmark," and similar terms 13074
include the date recorded and marked in the manner described in 13075
division (B)(3) of section 5703.056 of the Revised Code. 13076

(NN) "Related member" means a person that, with respect to 13077
the taxpayer during all or any portion of the taxable year, is 13078
either a related entity, a component member as defined in section 13079
1563(b) of the Internal Revenue Code, or a person to or from whom 13080
there is attribution of stock ownership in accordance with section 13081
1563(e) of the Internal Revenue Code except, for purposes of 13082
determining whether a person is a related member under this 13083
division, "twenty per cent" shall be substituted for "5 percent" 13084
wherever "5 percent" appears in section 1563(e) of the Internal 13085
Revenue Code. 13086

(OO) "Related entity" means any of the following: 13087

(1) An individual stockholder, or a member of the 13088
stockholder's family enumerated in section 318 of the Internal 13089
Revenue Code, if the stockholder and the members of the 13090
stockholder's family own directly, indirectly, beneficially, or 13091
constructively, in the aggregate, at least fifty per cent of the 13092
value of the taxpayer's outstanding stock; 13093

(2) A stockholder, or a stockholder's partnership, estate, 13094
trust, or corporation, if the stockholder and the stockholder's 13095
partnerships, estates, trusts, or corporations own directly, 13096
indirectly, beneficially, or constructively, in the aggregate, at 13097
least fifty per cent of the value of the taxpayer's outstanding 13098
stock; 13099

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (00)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

(4) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (00)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file,

report, withhold, remit, and pay municipal income tax and 13132
otherwise comply with Chapter 718. of the Revised Code and 13133
resolutions, ordinances, and rules adopted by a municipal 13134
corporation for the imposition and administration of a municipal 13135
income tax. 13136

(RR) "Qualified municipal corporation" means a municipal 13137
corporation that, by resolution or ordinance adopted on or before 13138
December 31, 2011, adopted Ohio adjusted gross income, as defined 13139
by section 5747.01 of the Revised Code, as the income subject to 13140
tax for the purposes of imposing a municipal income tax. 13141

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13142
net operating loss incurred in a taxable year beginning before 13143
January 1, 2017, to the extent such loss was permitted, by a 13144
resolution or ordinance of the municipal corporation that was 13145
adopted by the municipal corporation before January 1, 2016, to be 13146
carried forward and utilized to offset income or net profit 13147
generated in such municipal corporation in future taxable years. 13148

(2) For the purpose of calculating municipal taxable income, 13149
any pre-2017 net operating loss carryforward may be carried 13150
forward to any taxable year, including taxable years beginning in 13151
2017 or thereafter, for the number of taxable years provided in 13152
the resolution or ordinance or until fully utilized, whichever is 13153
earlier. 13154

(TT) "Small employer" means any employer that had total 13155
revenue of less than five hundred thousand dollars during the 13156
preceding taxable year. For purposes of this division, "total 13157
revenue" means receipts of any type or kind, including, but not 13158
limited to, sales receipts; payments; rents; profits; gains, 13159
dividends, and other investment income; compensation; commissions; 13160
premiums; money; property; grants; contributions; donations; 13161
gifts; program service revenue; patient service revenue; premiums; 13162
fees, including premium fees and service fees; tuition payments; 13163

unrelated business revenue; reimbursements; any type of payment 13164
from a governmental unit, including grants and other allocations; 13165
and any other similar receipts reported for federal income tax 13166
purposes or under generally accepted accounting principles. "Small 13167
employer" does not include the federal government; any state 13168
government, including any state agency or instrumentality; any 13169
political subdivision; or any entity treated as a government for 13170
financial accounting and reporting purposes. 13171

(UU) "Audit" means the examination of a person or the 13172
inspection of the books, records, memoranda, or accounts of a 13173
person for the purpose of determining liability for a municipal 13174
income tax. 13175

(VV) "Publicly traded partnership" means any partnership, an 13176
interest in which is regularly traded on an established securities 13177
market. A "publicly traded partnership" may have any number of 13178
partners. 13179

(WW) "Tax commissioner" means the tax commissioner appointed 13180
under section 121.03 of the Revised Code. 13181

(XX) "Out-of-state disaster business," "qualifying 13182
solicitation," "qualifying employee," "disaster work," "critical 13183
infrastructure," and "disaster response period" have the same 13184
meanings as in section 5703.94 of the Revised Code. 13185

(YY) "Pension" means a retirement benefit plan, regardless of 13186
whether the plan satisfies the qualifications described under 13187
section 401(a) of the Internal Revenue Code, including amounts 13188
that are taxable under the "Federal Insurance Contributions Act," 13189
Chapter 21 of the Internal Revenue Code, excluding employee 13190
contributions and elective deferrals, and regardless of whether 13191
such amounts are paid in the same taxable year in which the 13192
amounts are included in the employee's wages, as defined by 13193
section 3121(a) of the Internal Revenue Code. 13194

(ZZ) "Retirement benefit plan" means an arrangement whereby 13195
an entity provides benefits to individuals either on or after 13196
their termination of service because of retirement or disability. 13197
"Retirement benefit plan" does not include wage continuation 13198
payments, severance payments, or payments made for accrued 13199
personal or vacation time. 13200

Sec. 718.131. (A) Division (B) of this section applies to any 13201
of the following individuals: 13202

(1) An employee in the service of a municipal corporation or 13203
regional council of government; 13204

(2) A prospective employee for a position in the service of a 13205
municipal corporation or regional council of government; 13206

(3) A contractor of a municipal corporation or regional 13207
council of government. 13208

(B) If an individual described in division (A) of this 13209
section has or, in the case of a prospective employee, will have 13210
access to or the use of federal tax information, the tax 13211
administrator shall request that the superintendent of the bureau 13212
of criminal identification and investigation conduct a criminal 13213
records check based on the individual's fingerprints in accordance 13214
with section 109.572 of the Revised Code. The tax administrator 13215
shall request that criminal record information from the federal 13216
bureau of investigation be obtained as part of the criminal 13217
records check. 13218

The individual and the tax administrator shall also comply 13219
with any separate request by the federal bureau of investigation 13220
to conduct a national criminal records check. 13221

(C) A tax administrator may adopt any rules or policies 13222
necessary to implement this section. 13223

Sec. 718.83. (A) On or before the last day of each month, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, based on amounts reported on annual returns and declarations of estimated tax under sections 718.85 and 718.88 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made or refunds granted by the commissioner, for the ~~ealender~~ calendar month preceding the month in which the certification is made. Not later than the fifth day of each month, the director shall provide for payment of the amount certified to each municipal corporation from the municipal ~~income~~ net profit tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section, and minus any reduction required by the commissioner under division (D) of this section. Each municipal corporation's share of such earnings shall equal the proportion that the municipal corporation's certified tax payment is of the total taxes certified to all municipal corporations in that quarter. All investment earnings on money in the municipal ~~income~~ net profit tax fund shall be credited to that fund.

(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under sections 718.80 to 718.95 of the Revised Code after accounting for amounts remitted with the annual return and as estimated taxes, the commissioner shall proceed according to divisions (A) and (B) of section 5703.77 of the Revised Code.

(C) If the amount of a municipal corporation's net distribution computed by the commissioner under division (A) of this section is less than zero, the commissioner may notify the municipal corporation of the deficiency. Within thirty days after

receiving such a notice, the municipal corporation shall pay an 13256
amount equal to the deficiency to the treasurer of state. The 13257
treasurer of state shall credit any payment received under this 13258
division to the municipal net profit tax fund. 13259

(D) If a municipal corporation fails to make a timely payment 13260
required under division (C) of this section, the commissioner may 13261
recover the deficiency using any or all of the following options: 13262

(1) Deduct the amount of the deficiency from the next 13263
distribution to that municipal corporation under division (A) of 13264
this section or, if the amount of the deficiency exceeds the 13265
amount of such distribution, withhold such distributions entirely 13266
until the withheld amount equals the amount of the municipal 13267
corporation's deficiency; 13268

(2) Deduct the amount of the deficiency from the next payment 13269
to that municipal corporation under division (A) of section 13270
5745.05 of the Revised Code or, if the amount of the deficiency 13271
exceeds the amount of such distribution, withhold such 13272
distributions entirely until the withheld amount equals the amount 13273
of the municipal corporation's deficiency; 13274

(3) Deduct the amount of the deficiency from the municipal 13275
corporation's share of the next payment made by the commissioner 13276
under division (F) of section 321.24 of the Revised Code or, if 13277
the amount of the deficiency exceeds the amount of the municipal 13278
corporation's share of such payment, withhold the municipal 13279
corporation's share of the payments entirely until the withheld 13280
amount equals the amount of the municipal corporation's 13281
deficiency. 13282

(E) The total amount of payments and distributions withheld 13283
from a municipal corporation under division (D) of this section 13284
shall not exceed the unpaid portion of the municipal corporation's 13285
net distribution deficiency. All amounts withheld under division 13286

(D) of this section shall be credited to the municipal net profit tax fund. 13287
13288

(F) The commissioner may adopt rules necessary to administer this section. 13289
13290

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 13291
shall file an annual return. Such return, along with the amount of 13292
tax shown to be due on the return less the amount paid for the 13293
taxable year under section 718.88 of the Revised Code, shall be 13294
submitted to the tax commissioner, on a form and in the manner 13295
prescribed by the commissioner, on or before the fifteenth day of 13296
the fourth month following the end of the taxpayer's taxable year. 13297

(2) If a taxpayer has multiple taxable years beginning within 13298
one calendar year, the taxpayer shall aggregate the facts and 13299
figures necessary to compute the tax due under this chapter, in 13300
accordance with sections 718.81, 718.82, and, if applicable, 13301
718.86 of the Revised Code onto its annual return. 13302

(3) The remittance shall be made payable to the treasurer of 13303
state and in the form prescribed by the tax commissioner. If the 13304
amount payable with the tax return is ten dollars or less, no 13305
remittance is required. 13306

(B) The tax commissioner shall immediately forward to the 13307
treasurer of state all amounts the commissioner receives pursuant 13308
to sections 718.80 to 718.95 of the Revised Code. The treasurer 13309
shall credit ninety-nine and one-half per cent of such amounts to 13310
the municipal ~~income~~ net profit tax fund which is hereby created 13311
in the state treasury, and the remainder to the municipal income 13312
tax administrative fund established under section 5745.03 of the 13313
Revised Code. 13314

(C)(1) Each return required to be filed under this section 13315
shall contain the signature of the taxpayer or the taxpayer's duly 13316

authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to 718.95 of the Revised Code, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may

request that the commissioner grant the taxpayer a six-month 13348
extension of the date for filing the taxpayer's municipal income 13349
tax return. If the commissioner receives the request on or before 13350
the date the municipal income tax return is due, the commissioner 13351
shall grant the taxpayer's extension request. 13352

(c) An extension of time to file under division (D)(1) of 13353
this section is not an extension of the time to pay any tax due 13354
unless the tax commissioner grants an extension of that date. 13355

(2) If the commissioner considers it necessary in order to 13356
ensure payment of a tax imposed in accordance with section 718.04 13357
of the Revised Code, the commissioner may require taxpayers to 13358
file returns and make payments otherwise than as provided in this 13359
section, including taxpayers not otherwise required to file annual 13360
returns. 13361

(E) Each return required to be filed in accordance with this 13362
section shall include a box that the taxpayer may check to 13363
authorize another person, including a tax return preparer who 13364
prepared the return, to communicate with the tax commissioner 13365
about matters pertaining to the return. The return or instructions 13366
accompanying the return shall indicate that by checking the box 13367
the taxpayer authorizes the commissioner to contact the preparer 13368
or other person concerning questions that arise during the 13369
examination or other review of the return and authorizes the 13370
preparer or other person only to provide the commissioner with 13371
information that is missing from the return, to contact the 13372
commissioner for information about the examination or other review 13373
of the return or the status of the taxpayer's refund or payments, 13374
and to respond to notices about mathematical errors, offsets, or 13375
return preparation that the taxpayer has received from the 13376
commissioner and has shown to the preparer or other person. 13377

(F) When income tax returns or other documents require the 13378
signature of a tax return preparer, the tax commissioner shall 13379

accept a facsimile or electronic version of such a signature in 13380
lieu of a manual signature. 13381

Sec. 718.90. (A) If any taxpayer required to file a return 13382
under section 718.80 to 718.95 of the Revised Code fails to file 13383
the return within the time prescribed, files an incorrect return, 13384
or fails to remit the full amount of the tax due for the period 13385
covered by the return, the tax commissioner may make an assessment 13386
against the taxpayer for any deficiency for the period for which 13387
the return or tax is due, based upon any information in the 13388
commissioner's possession. 13389

The tax commissioner shall not make or issue an assessment 13390
against a taxpayer more than three years after the later of the 13391
date the return subject to assessment was required to be filed or 13392
the date the return was filed. Such time limit may be extended if 13393
both the taxpayer and the commissioner consent in writing to the 13394
extension. Any such extension shall extend the three-year time 13395
limit in section 718.91 of the Revised Code for the same period of 13396
time. There shall be no bar or limit to an assessment against a 13397
taxpayer that fails to file a return subject to assessment as 13398
required by sections 718.80 to 718.95 of the Revised Code, or that 13399
files a fraudulent return. The commissioner shall give the 13400
taxpayer assessed written notice of the assessment as provided in 13401
section 5703.37 of the Revised Code. With the notice, the 13402
commissioner shall provide instructions on how to petition for 13403
reassessment and request a hearing on the petition. 13404

(B) Unless the taxpayer assessed files with the tax 13405
commissioner within sixty days after service of the notice of 13406
assessment, either personally or by certified mail, a written 13407
petition for reassessment signed by the authorized agent of the 13408
taxpayer assessed having knowledge of the facts, the assessment 13409
becomes final, and the amount of the assessment is due and payable 13410

from the taxpayer to the treasurer of state. The petition shall 13411
indicate the taxpayer's objections, but additional objections may 13412
be raised in writing if received by the commissioner prior to the 13413
date shown on the final determination. If the petition has been 13414
properly filed, the commissioner shall proceed under section 13415
5703.60 of the Revised Code. 13416

(C) After an assessment becomes final, if any portion of the 13417
assessment remains unpaid, including accrued interest, a certified 13418
copy of the tax commissioner's entry making the assessment final 13419
may be filed in the office of the clerk of the court of common 13420
pleas in the county in which the taxpayer has an office or place 13421
of business in this state, the county in which the taxpayer's 13422
statutory agent is located, or Franklin county. 13423

Immediately upon the filing of the entry, the clerk shall 13424
enter a judgment against the taxpayer assessed in the amount shown 13425
on the entry. The judgment may be filed by the clerk in a 13426
loose-leaf book entitled "special judgments for municipal income 13427
taxes," and shall have the same effect as other judgments. 13428
Execution shall issue upon the judgment upon the request of the 13429
tax commissioner, and all laws applicable to sales on execution 13430
shall apply to sales made under the judgment. 13431

If the assessment is not paid in its entirety within sixty 13432
days after the day the assessment was issued, the portion of the 13433
assessment consisting of tax due shall bear interest at the rate 13434
per annum prescribed by section 5703.47 of the Revised Code from 13435
the day the commissioner issues the assessment until the 13436
assessment is paid or until it is certified to the attorney 13437
general for collection under section 131.02 of the Revised Code, 13438
whichever comes first. If the unpaid portion of the assessment is 13439
certified to the attorney general for collection, the entire 13440
unpaid portion of the assessment shall bear interest at the rate 13441
per annum prescribed by section 5703.47 of the Revised Code from 13442

the date of certification until the date it is paid in its 13443
entirety. Interest shall be paid in the same manner as the tax and 13444
may be collected by issuing an assessment under this section. 13445

(D) All money collected under this section shall be credited 13446
to the municipal ~~income~~ net profit tax fund and distributed to the 13447
municipal corporation to which the money is owed based on the 13448
assessment issued under this section. 13449

(E) If the tax commissioner believes that collection of the 13450
tax will be jeopardized unless proceedings to collect or secure 13451
collection of the tax are instituted without delay, the 13452
commissioner may issue a jeopardy assessment against the taxpayer 13453
liable for the tax. Immediately upon the issuance of the jeopardy 13454
assessment, the commissioner shall file an entry with the clerk of 13455
the court of common pleas in the manner prescribed by division (C) 13456
of this section. Notice of the jeopardy assessment shall be served 13457
on the taxpayer assessed or the taxpayer's legal representative in 13458
the manner provided in section 5703.37 of the Revised Code within 13459
five days of the filing of the entry with the clerk. The total 13460
amount assessed is immediately due and payable, unless the 13461
taxpayer assessed files a petition for reassessment in accordance 13462
with division (B) of this section and provides security in a form 13463
satisfactory to the commissioner and in an amount sufficient to 13464
satisfy the unpaid balance of the assessment. Full or partial 13465
payment of the assessment does not prejudice the commissioner's 13466
consideration of the petition for reassessment. 13467

(F) Notwithstanding the fact that a petition for reassessment 13468
is pending, the taxpayer may pay all or a portion of the 13469
assessment that is the subject of the petition. The acceptance of 13470
a payment by the treasurer of state does not prejudice any claim 13471
for refund upon final determination of the petition. 13472

If upon final determination of the petition an error in the 13473
assessment is corrected by the tax commissioner, upon petition so 13474

filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by section 718.91 of the Revised Code, with interest on that amount as provided by that section.

Sec. 753.21. (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.

(B)(1) The legislative authority of a municipal corporation, by ordinance, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the municipal corporation that has not been dedicated to or is not then in use for any municipal or other public purpose, or any building or structure rented or leased by the municipal corporation. The legislative authority of a municipal corporation, by ordinance, also may dedicate and permit the use, as a minimum security jail, of any building or structure purchased by or constructed by or for the municipal corporation. Subject to divisions (B)(3) and (C) of this section, upon the effective date of such an ordinance, the specified building or structure shall be used, in accordance with this section, for the confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of a municipal ordinance and is under the jurisdiction of the municipal corporation or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator

or the jail administrator's designee has classified the person as 13506
a minimal security risk. In determining the person's 13507
classification under this division, the administrator or designee 13508
shall consider all relevant factors, including, but not limited 13509
to, the person's escape risk and propensity for assaultive or 13510
violent behavior, based upon the person's prior and current 13511
behavior. 13512

(b) The person is an inmate transferred by order of a judge 13513
of the sentencing court upon the request of the sheriff, 13514
administrator, jailer, or other person responsible for operating 13515
the jail other than a contractor as defined in section 9.06 of the 13516
Revised Code, who is named in the request as being suitable for 13517
confinement in a minimum security facility. 13518

(2) The legislative authority of a municipal corporation, by 13519
ordinance, may affiliate with the county in which it is located, 13520
with one or more counties adjacent to the county in which it is 13521
located, or with one or more municipal corporations located within 13522
the county in which it is located or within an adjacent county, 13523
and dedicate and permit the use, as a minimum security jail, of 13524
any vacant or abandoned public building or structure owned by any 13525
of the affiliating counties or municipal corporations that has not 13526
been dedicated to or is not then in use for any public purpose, or 13527
any building or structure rented or leased by any of the 13528
affiliating counties or municipal corporations. The legislative 13529
authority of a municipal corporation, by ordinance, also may 13530
affiliate with one or more counties adjacent to the county in 13531
which it is located or with one or more municipal corporations 13532
located within the county in which it is located or within an 13533
adjacent county and dedicate and permit the use, as a minimum 13534
security jail, of any building or structure purchased by or 13535
constructed by or for any of the affiliating counties or municipal 13536
corporations. Any counties and municipal corporations that 13537

affiliate for purposes of this division shall enter into an 13538
agreement that establishes the responsibilities for the operation 13539
and for the cost of operation of the minimum security jail. 13540
Subject to divisions (B)(3) and (C) of this section, upon the 13541
effective date of an ordinance adopted under this division, the 13542
specified building or structure shall be used, in accordance with 13543
this section, for the confinement of persons who meet one of the 13544
following conditions: 13545

(a) The person is sentenced to a term of imprisonment for a 13546
traffic violation, a misdemeanor, or a violation of an ordinance 13547
of a municipal corporation and is under the jurisdiction of any of 13548
the affiliating counties or municipal corporations or is sentenced 13549
to a residential sanction in the jail for a felony of the fourth 13550
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 13551
Revised Code, and the jail administrator or the jail 13552
administrator's designee has classified the person as a minimal 13553
security risk. In determining the person's classification under 13554
this division, the administrator or designee shall consider all 13555
relevant factors, including, but not limited to, the person's 13556
escape risk and propensity for assaultive or violent behavior, 13557
based upon the person's prior and current behavior. 13558

(b) The person is an inmate transferred by order of a judge 13559
of the sentencing court upon the request of the sheriff, 13560
administrator, jailer, or other person responsible for operating 13561
the jail other than a contractor as defined in section 9.06 of the 13562
Revised Code, who is named in the request as being suitable for 13563
confinement in a minimum security facility. 13564

(3) No person shall be confined in a building or structure 13565
dedicated as a minimum security jail under division (B)(1) or (2) 13566
of this section unless the judge who sentenced the person to the 13567
term of imprisonment for the traffic violation or the misdemeanor 13568
specifies that the term of imprisonment is to be served in that 13569

jail, and division (B)(1) or (2) of this section permits the 13570
confinement of the person in that jail or unless the judge who 13571
sentenced the person to the residential sanction for the felony 13572
specifies that the residential sanction is to be served in a jail, 13573
and division (B)(1) or (2) of this section permits the confinement 13574
of the person in that jail. If a rented or leased building or 13575
structure is so dedicated, the building or structure may be used 13576
as a minimum security jail only during the period that it is 13577
rented or leased by the municipal corporation or by an affiliated 13578
county or municipal corporation. If a person convicted of a 13579
misdemeanor is confined to a building or structure dedicated as a 13580
minimum security jail under division (B)(1) or (2) of this section 13581
and the sheriff, administrator, jailer, or other person 13582
responsible for operating the jail other than a contractor as 13583
defined in division (H) of section 9.06 of the Revised Code 13584
determines that it would be more appropriate for the person so 13585
confined to be confined in another jail or workhouse facility, the 13586
sheriff, administrator, jailer, or other person may transfer the 13587
person so confined to a more appropriate jail or workhouse 13588
facility. 13589

(C) All of the following apply in relation to a building or 13590
structure that is dedicated pursuant to division (B)(1) or (2) of 13591
this section for use as a minimum security jail: 13592

(1) To the extent that the use of the building or structure 13593
as a minimum security jail requires a variance from any municipal 13594
corporation, county, or township zoning ordinances or regulations, 13595
the variance shall be granted. 13596

(2) Except as provided in this section, the building or 13597
structure shall not be used to confine any person unless it is in 13598
substantial compliance with any applicable housing, fire 13599
prevention, sanitation, health, and safety codes, regulations, or 13600
standards. 13601

(3) Unless such satisfaction or compliance is required under 13602
the standards described in division (C)(4) of this section, and 13603
notwithstanding any other provision of state or local law to the 13604
contrary, the building or structure need not satisfy or comply 13605
with any state or local building standard or code in order to be 13606
used to confine a person for the purposes specified in division 13607
(B) of this section. 13608

(4) The building or structure shall not be used to confine 13609
any person unless it is in compliance with all minimum standards 13610
and minimum renovation, modification, and construction criteria 13611
for ~~minimum security~~ jails that have been proposed by the 13612
department of rehabilitation and correction, through its bureau of 13613
adult detention, under section 5120.10 of the Revised Code. 13614

(5) The building or structure need not be renovated or 13615
modified into a secure detention facility in order to be used 13616
solely to confine a person for the purposes specified in divisions 13617
(B)(1)(a) and (B)(2)(a) of this section. 13618

(6) The building or structure shall be used, equipped, 13619
furnished, and staffed to provide adequate and suitable living, 13620
sleeping, food service or preparation, drinking, bathing and 13621
toilet, sanitation, and other necessary facilities, furnishings, 13622
and equipment. 13623

(D) Except as provided in this section, a minimum security 13624
jail dedicated and used under this section shall be considered to 13625
be part of the jail, workhouse, or other correctional facilities 13626
of the municipal corporation or the affiliated counties and 13627
municipal corporations for all purposes under the law. All persons 13628
confined in such a minimum security jail shall be and shall 13629
remain, in all respects, under the control of the authority of the 13630
municipal corporation that has responsibility for the management 13631
and operation of the jail, workhouse, or other correctional 13632
facilities of the municipal corporation or, if it is operated by 13633

any affiliation of counties or municipal corporations, under the control of the specified county or municipal corporation with that authority, provided that, if the person was convicted of a felony and is serving a residential sanction in the facility, all provisions of law that pertain to persons convicted of a felony that would not by their nature clearly be inapplicable apply regarding the person. A minimum security jail dedicated and used under this section shall be managed and maintained in accordance with policies and procedures adopted by the legislative authority of the municipal corporation or the affiliated counties and municipal corporations governing the safe and healthful operation of the jail, the confinement and supervision of the persons sentenced to it, and their participation in work release or similar rehabilitation programs. In addition to other rules of conduct and discipline, the rights of ingress and egress of persons confined in a minimum security jail dedicated and used under this section shall be subject to reasonable restrictions. Every person confined in a minimum security jail dedicated and used under this section shall be given verbal and written notification, at the time of the person's admission to the jail, that purposely leaving, or purposely failing to return to, the jail without proper authority or permission constitutes the felony offense of escape.

(E) If a person who has been convicted of or pleaded guilty to an offense is sentenced to a term of imprisonment or a residential sanction in a minimum security jail as described in division (B)(1)(a) or (B)(2)(a) of this section, or if a person is an inmate transferred to a minimum security jail by order of a judge of the sentencing court as described in division (B)(1)(b) or (2)(b) of this section, at the time of reception and at other times the person in charge of the operation of the jail determines to be appropriate, the person in charge of the operation of the jail may cause the convicted offender to be examined and tested

for tuberculosis, HIV infection, hepatitis, including but not 13667
limited to hepatitis A, B, and C, and other contagious diseases. 13668
The person in charge of the operation of the jail may cause a 13669
convicted offender in the jail who refuses to be tested or treated 13670
for tuberculosis, HIV infection, hepatitis, including but not 13671
limited to hepatitis A, B, and C, or another contagious disease to 13672
be tested and treated involuntarily. 13673

Sec. 755.16. (A) Any contracting subdivision, jointly with 13674
one or more other contracting subdivisions, in any combination, 13675
may acquire property for, construct, operate, and maintain any 13676
parks, playgrounds, playfields, gymnasiums, public baths, swimming 13677
pools, indoor recreation centers, educational facilities, or 13678
community centers. Any school district, educational service 13679
center, or state institution of higher education may provide by 13680
the erection of any school, educational service center, or state 13681
institution of higher education building or premises, or by the 13682
enlargement of, addition to, or reconstruction or improvement of 13683
any school, educational service center, or state institution of 13684
higher education building or premises, for the inclusion of any 13685
such parks, recreational facilities, educational facilities, and 13686
community centers to be jointly acquired, constructed, operated, 13687
and maintained. Any contracting subdivision, jointly with one or 13688
more other contracting subdivisions, in any combination, may 13689
equip, operate, and maintain those parks, recreational facilities, 13690
educational facilities, and community centers and may appropriate 13691
money for those purposes. 13692

Any contracting subdivision agreeing to jointly acquire, 13693
construct, operate, or maintain parks, recreational facilities, 13694
educational facilities, and community centers pursuant to this 13695
section may contribute lands, money, other personal property, or 13696
services to the joint venture, as may be agreed upon. Any 13697
agreement shall specify the rights of the parties in any lands or 13698

personal property contributed. 13699

Any lands acquired by a township park district pursuant to 13700
Chapter 511. of the Revised Code and established as a public park 13701
or parks may be contributed to a joint venture authorized by this 13702
section. Fees may be charged in connection with the use of any 13703
recreational facilities, educational facilities, and community 13704
centers that may be constructed on those lands. 13705

(B) Any township may, jointly with a private land owner, 13706
construct, operate, equip, and maintain free public playgrounds 13707
and playfields. Any equipment provided by a township pursuant to 13708
this division shall remain township property and shall be used 13709
subject to a right of removal by the township. 13710

(C) As used in this section and in sections 755.17 and 755.18 13711
of the Revised Code: 13712

(1) "Community centers" means facilities characterized by all 13713
of the following: 13714

(a) They are acquired, constructed, operated, or maintained 13715
by contracting subdivisions pursuant to division (A) of this 13716
section. 13717

(b) They may be used for governmental, civic, or educational 13718
operations or purposes, or recreational activities. 13719

(c) They may be used only by the contracting subdivisions 13720
that acquire, construct, operate, or maintain them or by any other 13721
person upon terms and conditions determined by those contracting 13722
subdivisions. 13723

(2) "Educational service center" has the same meaning as in 13724
division (A) of section 3311.05 of the Revised Code. 13725

(3) "Contracting subdivision" means a municipal corporation, 13726
township, joint recreation district, township park district, a 13727
park district created under Chapter 1545. of the Revised Code, 13728

county, school district, educational service center, or state 13729
institution of higher education. 13730

(4) "School district" means any of the school districts or 13731
joint vocational school districts referred to in section 3311.01 13732
of the Revised Code. 13733

(5) "State institution of higher education" has the same 13734
meaning as in section 3345.011 of the Revised Code. 13735

Sec. 901.172. (A) As used in this section, "beer," "cider," 13736
and "spirituous liquor" have the same meanings as in section 13737
4301.01 of the Revised Code. 13738

(B) The department of agriculture may promote the use of 13739
Ohio-produced agricultural goods grown for inclusion in both of 13740
the following: 13741

(1) Beer or cider through the issuance of logotypes to 13742
qualified producers and processors under a voluntary promotional 13743
certification program to be developed and administered by the 13744
division of markets. The voluntary program shall be entitled "Ohio 13745
Proud Craft Beer." 13746

(2) Spirituous liquor through the issuance of logotypes to 13747
qualified producers and processors under a voluntary promotional 13748
certification program to be developed and administered by the 13749
division. The voluntary program shall be entitled "Ohio Proud 13750
Craft Spirits." 13751

(C) Pursuant to rules adopted under Chapter 119. of the 13752
Revised Code, the department may establish reasonable fees and 13753
criteria for participation in the voluntary programs. All such 13754
fees shall be credited to the general revenue fund and used to 13755
finance the voluntary programs. 13756

Sec. 905.31. As used in sections 905.31 to 905.503 of the 13757

available and total phosphorus (P) or phosphate (P ₂ O ₅) and the degree of fineness;	13788 13789
(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.	13790 13791 13792
(G) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.	13793 13794 13795
(H) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.	13796 13797
(I) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.	13798 13799 13800
(J) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.	13801 13802 13803 13804
(K) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.	13805 13806 13807
(L) "Per cent" or "percentage" means the percentage of weight.	13808 13809
(M) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.	13810 13811 13812 13813
(N) "Product name" means a coined or specific designation applied to an individual fertilizer material or mixture of a fixed composition and derivation.	13814 13815 13816
(O) "Sale" means exchange of ownership or transfer of	13817

custody.	13818
(P) "Official sample" means the sample of fertilizer taken	13819
and designated as official by the director.	13820
(Q) "Specialty fertilizer" means any fertilizer designed,	13821
labeled, and distributed for uses other than the production of	13822
commercial crops.	13823
(R) "Ton" means a net weight of two thousand pounds.	13824
(S) "Fertilizer material" includes any of the following:	13825
(1) A material containing not more than one of the following	13826
primary plant nutrients:	13827
(a) Nitrogen (N);	13828
(b) Phosphorus (P);	13829
(c) Potassium (K).	13830
(2) A material that has not less than eighty-five per cent of	13831
its plant nutrient content composed of a single chemical compound;	13832
(3) A material that is derived from a residue or by-product	13833
of a plant or animal or a natural material deposit and has been	13834
processed in such a way that its plant nutrients content has not	13835
been materially changed except by purification and concentration.	13836
(T) "Custom mixed fertilizer" means a fertilizer that is not	13837
premixed, but that is blended specifically to meet the nutrient	13838
needs of one specific customer.	13839
(U) "Director" or "director of agriculture" means the	13840
director of agriculture or the director's designee.	13841
(V) "Lot" means an identifiable quantity of fertilizer that	13842
may be used as an official sample.	13843
(W) "Unit" means twenty pounds of fertilizer or one per cent	13844
of a ton.	13845

(X) "Anhydrous ammonia equipment" means, with regard to the 13846
handling or storage of anhydrous ammonia, a container or 13847
containers with a maximum capacity of not more than four thousand 13848
nine hundred ninety-nine gallons or any appurtenances, pumps, 13849
compressors, or interconnecting pipes associated with such a 13850
container or containers. "Anhydrous ammonia equipment" does not 13851
include equipment for the manufacture of anhydrous ammonia or the 13852
storage of anhydrous ammonia either underground or in refrigerated 13853
structures. 13854

(Y) "Anhydrous ammonia system" or "system" means, with regard 13855
to the handling or storage of anhydrous ammonia, a container or 13856
containers with a minimum capacity of not less than five thousand 13857
gallons or any appurtenances, pumps, compressors, or 13858
interconnecting pipes associated with such a container or 13859
containers. "Anhydrous ammonia system" does not include equipment 13860
for the manufacture of anhydrous ammonia or the storage of 13861
anhydrous ammonia either underground or in refrigerated 13862
structures. 13863

(Z) "Agricultural production" means the cultivation, 13864
primarily for sale, of plants or any parts of plants on more than 13865
fifty acres. "Agricultural production" does not include the use of 13866
start-up fertilizer applied through a planter. 13867

(AA) "Rule" means a rule adopted under section 905.322, 13868
905.40, or 905.44 of the Revised Code, as applicable. 13869

(BB) "Certificate holder" means a person who has been 13870
certified to apply fertilizer under section 905.321 of the Revised 13871
Code and rules adopted under section 905.322 of the Revised Code. 13872

(CC) "Residual farm products" has the same meaning as in 13873
section 939.01 of the Revised Code. 13874

(DD) "Voluntary nutrient management plan" means any of the 13875
following: 13876

(1) A nutrient management plan that is in the form of the Ohio nutrient management workbook made available by the Ohio state university;

(2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan;

(3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information:

(a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the director in rules adopted under division (E) of section 939.02 of the Revised Code and that are not older than ~~three~~ four years;

(b) Documentation of the method and seasonal time of utilization and application of nutrients;

(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue;

(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields.

Sec. 939.02. The director of agriculture shall do all of the following:

(A) Provide administrative leadership to soil and water conservation districts in planning, budgeting, staffing, and administering district programs and the training of district supervisors and personnel in their duties, responsibilities, and

authorities as prescribed in this chapter and Chapter 940. of the Revised Code; 13907
13908

(B) Administer this chapter and Chapter 940. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities; 13909
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(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement; 13913
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(D) Coordinate or support the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture, department of natural resources, environmental protection agency, or other agencies of local, state, and federal government⁺. The cooperative programs and working agreements shall be for the support of farm, rural, suburban, and urban conservation programs. 13916
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(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following: 13923
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(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria for determination of the acceptability of such management and conservation practices; 13927
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(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules; 13935
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- (3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for those practices. Eligible practices shall be limited to practices that address agricultural operations and that require expenditures that are likely to exceed the economic returns to the owner or operator and that abate soil erosion or degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached pollutants.
- (4) Establish procedures for administering grants to owners or operators of agricultural land or animal feeding operations for the implementation of operation and management plans;
- (5) Do both of the following with regard to composting conducted in conjunction with agricultural operations:
- (a) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the director considers to be necessary or appropriate;
- (b) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division ~~(R)~~(S) of section 940.06 of the Revised Code.
- (6) Establish best management practices for inclusion in operation and management plans;
- (7) Establish the amount of civil penalties assessed by the director under division (A) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section;
- (8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted under this section does not affect

liability for noncompliance with air or water quality standards 13969
adopted pursuant to section 3704.03 or 6111.041 of the Revised 13970
Code. The application of a level of management and conservation 13971
practices recommended under this section to control windblown soil 13972
from farming operations creates a presumption of compliance with 13973
section 3704.03 of the Revised Code as that section applies to 13974
windblown soil. 13975

(F) Cost share with landowners on practices established 13976
pursuant to division (E)(3) of this section as moneys are 13977
appropriated and available for that purpose. Any practice for 13978
which cost share is provided shall be maintained for its useful 13979
life. Failure to maintain a cost share practice for its useful 13980
life shall subject the landowner to full repayment to the 13981
department. 13982

(G) Employ field assistants and other employees that are 13983
necessary for the performance of the work prescribed by Chapter 13984
940. of the Revised Code, for performance of work of the 13985
department under this chapter, and as agreed to under working 13986
agreements or contractual arrangements with soil and water 13987
conservation districts, prescribe their duties, and fix their 13988
compensation in accordance with schedules that are provided by law 13989
for the compensation of state employees. All such employees of the 13990
department, unless specifically exempted by law, shall be employed 13991
subject to the classified civil service laws in force at the time 13992
of employment. 13993

(H) In connection with new or relocated projects involving 13994
highways, underground cables, pipelines, railroads, and other 13995
improvements affecting soil and water resources, including surface 13996
and subsurface drainage: 13997

(1) Provide engineering service that is mutually agreeable to 13998
the Ohio soil and water conservation commission and the director 13999
to aid in the design and installation of soil and water 14000

conservation practices as a necessary component of such projects;	14001
(2) Maintain close liaison between the owners of lands on	14002
which the projects are executed, soil and water conservation	14003
districts, and authorities responsible for such projects;	14004
(3) Review plans for such projects to ensure their compliance	14005
with standards developed under division (E) of this section in	14006
cooperation with the department of transportation or with any	14007
other interested agency that is engaged in soil or water	14008
conservation projects in the state in order to minimize adverse	14009
impacts on soil and water resources adjacent to or otherwise	14010
affected by these projects;	14011
(4) Recommend measures to retard erosion and protect soil and	14012
water resources through the installation of water impoundment or	14013
other soil and water conservation practices;	14014
(5) Cooperate with other agencies and subdivisions of the	14015
state to protect the agricultural status of rural lands adjacent	14016
to such projects and control adverse impacts on soil and water	14017
resources.	14018
(I) Collect, analyze, inventory, and interpret all available	14019
information pertaining to the origin, distribution, extent, use,	14020
and conservation of the soil resources of the state;	14021
(J) Prepare and maintain up-to-date reports, maps, and other	14022
materials pertaining to the soil resources of the state and their	14023
use and make that information available to governmental agencies,	14024
public officials, conservation entities, and the public;	14025
(K) Provide soil and water conservation districts with	14026
technical assistance including on-site soil investigations and	14027
soil interpretation reports on the suitability or limitations of	14028
soil to support a particular use or to plan soil conservation	14029
measures. The assistance shall be on terms that are mutually	14030
agreeable to the districts and the department of agriculture.	14031

(L) Assist local government officials in utilizing land use 14032
planning and zoning, current agricultural use value assessment, 14033
development reviews, and land management activities; 14034

(M) When necessary for the purposes of this chapter or 14035
Chapter 940. of the Revised Code, develop or approve operation and 14036
management plans. The director may designate an employee of the 14037
department to develop or approve operation and management plans in 14038
lieu of the director. 14039

This section does not restrict the manure of domestic or farm 14040
animals defecated on land outside an animal feeding operation or 14041
runoff from that land into the waters of the state. 14042

Sec. 939.04. (A) A person who owns or operates an 14043
agricultural operation, or owns the animals raised by the owner or 14044
operator of an agricultural operation, and who wishes to conduct 14045
composting of dead animals resulting from the agricultural 14046
operation shall do both of the following: 14047

(1) Participate in an educational course concerning 14048
composting conducted by OSU extension and obtain a certificate of 14049
completion for the course; 14050

(2) Use the appropriate method, technique, or practice of 14051
composting established in rules adopted under division (E)(5) of 14052
section 939.02 of the Revised Code. 14053

(B) A person who fails to comply with division (A) of this 14054
section shall prepare and operate under a composting plan required 14055
by the director of agriculture under division (A)(2) of section 14056
939.02 of the Revised Code. If the person's proposed composting 14057
plan is disapproved by the supervisors of the appropriate soil and 14058
water conservation district under division ~~(R)~~(S)(3) of section 14059
940.06 of the Revised Code, the person may appeal the plan 14060
disapproval to the director, who shall afford the person a 14061

hearing. Following the hearing, the director shall uphold the plan 14062
disapproval or reverse it. If the director reverses the 14063
disapproval, the plan shall be deemed approved. 14064

Sec. 940.01. As used in this chapter: 14065

(A) "Soil and water conservation district" means a district 14066
organized in accordance with this chapter. 14067

(B) "Supervisor" means one of the members of the governing 14068
body of a district. 14069

(C) "Landowner," "owner," or "owner of land" means an owner 14070
of record as shown by the records in the office of the county 14071
recorder. With respect to an improvement or a proposed 14072
improvement, "landowner," "owner," or "owner of land" also 14073
includes any public corporation and the director of any 14074
department, office, or institution of the state that is affected 14075
by the improvement or that would be affected by the proposed 14076
improvement, but that does not own any right, title, estate, or 14077
interest in or to any real property. 14078

(D) "Land occupier" or "occupier of land" means any person, 14079
firm, or corporation that controls the use of land whether as 14080
landowner, lessee, renter, or tenant. 14081

(E) "Due notice" means notice published at least twice, 14082
stating time and place, with an interval of at least thirteen days 14083
between the two publication dates, in a newspaper of general 14084
circulation within a soil and water conservation district. 14085

(F) "Agricultural pollution" means failure to use management 14086
or conservation practices in farming or silvicultural operations 14087
to abate wind or water erosion of the soil or to abate the 14088
degradation of the waters of the state by residual farm products, 14089
manure, or soil sediment, including substances attached thereto. 14090

(G) "Urban sediment and storm water runoff pollution" means 14091

failure to use management or conservation practices to abate wind 14092
or water erosion of the soil or to abate the degradation of the 14093
waters of the state by soil sediment or storm water runoff in 14094
conjunction with land grading, excavating, filling, or other ~~soil~~ 14095
~~disturbing~~ activities that disturb the soil and increase storm 14096
water runoff on land used or being developed for nonfarm 14097
commercial, industrial, residential, or other nonfarm purposes, 14098
except lands being used in a strip mine operation as defined in 14099
section 1513.01 of the Revised Code and except lands being used in 14100
a surface mining operation as defined in section 1514.01 of the 14101
Revised Code. 14102

(H) "Uniform assessment" means an assessment that is both of 14103
the following: 14104

(1) Based upon a complete appraisal of each parcel of land, 14105
together with all improvements thereon, within a project area and 14106
of the benefits or damages brought about as a result of the 14107
project that is determined by criteria applied equally to all 14108
parcels within the project area; 14109

(2) Levied upon the parcels at a uniform rate on the basis of 14110
the appraisal. 14111

(I) "Varied assessment" means any assessment that does not 14112
meet the criteria established in division (H) of this section. 14113

(J) "Project area" means an area determined and certified by 14114
the supervisors of a soil and water conservation district under 14115
section 940.25 of the Revised Code. 14116

(K) "Benefit" or "benefits" means advantages to land and 14117
owners, to public corporations, and to the state resulting from 14118
drainage, conservation, control, and management of water and from 14119
environmental, wildlife, and recreational improvements. "Benefit" 14120
or "benefits" includes, but is not limited to, any of the 14121
following factors: 14122

(1) Elimination or reduction of damage from flooding;	14123
(2) Removal of water conditions that jeopardize public health, safety, or welfare;	14124 14125
(3) Increased value of land resulting from an improvement;	14126
(4) Use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other incidental purpose;	14127 14128 14129
(5) Providing an outlet for the accelerated runoff from artificial drainage if a stream, watercourse, channel, or ditch that is under improvement is called upon to discharge functions for which it was not designed. Uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other human methods shall be considered to be benefited by an improvement that is required to dispose of the accelerated flow of water from the uplands.	14130 14131 14132 14133 14134 14135 14136 14137
(L) "Improvement" or "conservation works of improvement" means an improvement that is made under the authority established in division (C) of section 940.06 of the Revised Code.	14138 14139 14140
(M) "Land" has the same meaning as in section 6131.01 of the Revised Code.	14141 14142
(N) "Manure," "operation and management plan," and "residual farm products" have the same meanings as in section 939.01 of the Revised Code.	14143 14144 14145
(O) "Voluntary nutrient management plan" has the same meaning as in section 905.31 of the Revised Code.	14146 14147
Sec. 940.02. There is hereby established in the department of agriculture the Ohio soil and water conservation commission. The commission shall consist of seven members of equal status and authority, six of whom shall be appointed by the governor with the advice and consent of the senate, and one of whom shall be	14148 14149 14150 14151 14152

designated by resolution of the board of directors of the Ohio 14153
federation of soil and water conservation districts. The directors 14154
of agriculture, environmental protection, and natural resources, 14155
the vice-president for agricultural administration of the Ohio 14156
state university, and an officer of the Ohio federation of soil 14157
and water conservation districts, or their designees, may serve as 14158
ex officio members of the commission, but without the power to 14159
vote. A vacancy in the office of an appointed member shall be 14160
filled by the governor, with the advice and consent of the senate. 14161
Any member appointed to fill a vacancy occurring prior to the 14162
expiration of the term for which the member's predecessor was 14163
appointed shall hold office for the remainder of that term. Of the 14164
appointed members, four shall be persons who have a knowledge of 14165
or interest in agricultural production and the natural resources 14166
of the state. One member shall represent rural interests and one 14167
member shall represent urban interests. Not more than three of the 14168
appointed members shall be members of the same political party. 14169

Terms of office of the member designated by the board of 14170
directors of the federation and the members appointed by the 14171
governor shall be for four years, commencing on the first day of 14172
July and ending on the thirtieth day of June. 14173

Each appointed member shall hold office from the date of 14174
appointment until the end of the term for which the member was 14175
appointed. Any appointed member shall continue in office 14176
subsequent to the expiration date of the member's term until the 14177
member's successor takes office, or until a period of sixty days 14178
has elapsed, whichever occurs first. 14179

The commission shall organize by selecting from its members a 14180
chairperson and a vice-chairperson. The commission shall hold at 14181
least one regular meeting in each quarter of each calendar year 14182
and shall keep a record of its proceedings, which shall be open to 14183

the public for inspection. Special meetings may be called by the 14184
chairperson and shall be called by the chairperson upon receipt of 14185
a written request signed by two or more members of the commission. 14186
Written notice of the time and place of each meeting shall be sent 14187
to each member of the commission. A majority of the commission 14188
shall constitute a quorum. 14189

The commission may adopt rules as necessary to carry out the 14190
purposes of this chapter, subject to Chapter 119. of the Revised 14191
Code. 14192

The governor may remove any appointed member of the 14193
commission at any time for inefficiency, neglect of duty, or 14194
malfeasance in office, after giving to the member a copy of the 14195
charges against the member and an opportunity to be heard publicly 14196
in person or by counsel in the member's defense. Any such act of 14197
removal by the governor is final. A statement of the findings of 14198
the governor, the reason for the governor's action, and the 14199
answer, if any, of the member shall be filed by the governor with 14200
the secretary of state and shall be open to public inspection. 14201

All members of the commission shall be reimbursed for the 14202
necessary expenses incurred by them in the performance of their 14203
duties as members. 14204

Upon recommendation by the commission, the director of 14205
agriculture shall designate an executive secretary and provide 14206
staff necessary to carry out the powers and duties of the 14207
commission. 14208

The commission shall do all of the following: 14209

(A) Determine distribution of funds under section 940.15 of 14210
the Revised Code, recommend to the director and other agencies the 14211
levels of appropriations to special funds established to assist 14212
soil and water conservation districts, and recommend the amount of 14213
federal funds to be requested and policies for the use of such 14214

funds in support of soil and water conservation district programs;	14215
(B) Assist in keeping the supervisors of soil and water conservation districts informed of their powers and duties, program opportunities, and the activities and experience of all other districts, and facilitate the interchange of advice, experience, and cooperation between the districts;	14216 14217 14218 14219 14220
(C) Seek the cooperation and assistance of the federal government or any of its agencies, and of agencies of this state, in the work of the districts;	14221 14222 14223
(D) Adopt appropriate rules governing the conduct of elections provided for in this chapter, subject to Chapter 119. of the Revised Code, provided that only owners and occupiers of lands situated within the boundaries of the districts or proposed districts to which the elections apply shall be eligible to vote in the elections;	14224 14225 14226 14227 14228 14229
(E) Recommend to the director priorities for planning and construction of small watershed projects, and make recommendations to the director concerning coordination of programs as proposed and implemented in agreements with soil and water conservation districts;	14230 14231 14232 14233 14234
(F) Recommend to the director <u>directors of agriculture, environmental protection, and natural resources</u> , the governor, and the general assembly programs and legislation with respect to the operations of soil and water conservation districts that will encourage proper soil, water, and other natural resource management <u>for farm, rural, suburban, and urban land</u> and promote the economic and social development of the state;	14235 14236 14237 14238 14239 14240 14241
(G) Recommend to the director of agriculture a procedure for coordination of a program of agricultural pollution abatement. Implementation of such a program shall be based on water quality standards adopted pursuant to section 6111.041 of the Revised	14242 14243 14244 14245

Code. The director of environmental protection may coordinate with 14246
the division of soil and water conservation in the department of 14247
agriculture and soil and water conservation districts for the 14248
abatement of agricultural pollution. 14249

Sec. 940.06. The supervisors of a soil and water conservation 14250
district have the following powers in addition to their other 14251
powers: 14252

(A) To conduct surveys, investigations, and research relating 14253
to the character of soil erosion, floodwater and sediment damages, 14254
and the preventive and control measures and works of improvement 14255
for flood prevention and the conservation, development, 14256
utilization, and disposal of water needed within the district, and 14257
to publish the results of those surveys, investigations, or 14258
research, provided that no district shall initiate any research 14259
program except in cooperation or after consultation with the Ohio 14260
agricultural research and development center; 14261

(B) To develop plans for the conservation of soil resources, 14262
for the control and prevention of soil erosion, and for works of 14263
improvement for flood prevention and the conservation, 14264
development, utilization, and disposal of water within the 14265
district, and to publish those plans and information; 14266

(C) To implement, construct, repair, maintain, and operate 14267
preventive and control measures and other works of improvement for 14268
natural resource conservation and development and flood 14269
prevention, and the conservation, development, utilization, and 14270
disposal of water within the district on lands owned or controlled 14271
by this state or any of its agencies and on any other lands within 14272
the district, which works may include any facilities authorized 14273
under state or federal programs, and to acquire, by purchase or 14274
gift, to hold, encumber, or dispose of, and to lease real and 14275
personal property or interests in such property for those 14276

purposes;	14277
(D) To cooperate or enter into agreements with any occupier	14278
of lands within the district in the carrying on of natural	14279
resource conservation operations and works of improvement for	14280
flood prevention and the conservation, development, utilization,	14281
and management of natural resources within the district, subject	14282
to such conditions as the supervisors consider necessary;	14283
(E) To accept donations, gifts, grants, and contributions in	14284
money, service, materials, or otherwise, and to use or expend them	14285
according to their terms;	14286
(F) To adopt, amend, and rescind rules to carry into effect	14287
the purposes and powers of the district;	14288
(G) To sue and plead in the name of the district, and be sued	14289
and impleaded in the name of the district, with respect to its	14290
contracts and, as indicated in section 940.07 of the Revised Code,	14291
certain torts of its officers, employees, or agents acting within	14292
the scope of their employment or official responsibilities, or	14293
with respect to the enforcement of its obligations and covenants	14294
made under this chapter;	14295
(H) To make and enter into all contracts, leases, and	14296
agreements and execute all instruments necessary or incidental to	14297
the performance of the duties and the execution of the powers of	14298
the district under this chapter, provided that all of the	14299
following apply:	14300
(1) Except as provided in section 307.86 of the Revised Code	14301
regarding expenditures by boards of county commissioners, when the	14302
cost under any such contract, lease, or agreement, other than	14303
compensation for personal services or rental of office space,	14304
involves an expenditure of more than the amount established in	14305
that section regarding expenditures by boards of county	14306
commissioners, the supervisors shall make a written contract with	14307

the lowest and best bidder after advertisement, for not less than 14308
two nor more than four consecutive weeks preceding the day of the 14309
opening of bids, in a newspaper of general circulation within the 14310
district or as provided in section 7.16 of the Revised Code and in 14311
such other publications as the supervisors determine. The notice 14312
shall state the general character of the work and materials to be 14313
furnished, the place where plans and specifications may be 14314
examined, and the time and place of receiving bids. 14315

(2) Each bid for a contract shall contain the full name of 14316
every person interested in it. 14317

(3) Each bid for a contract for the construction, demolition, 14318
alteration, repair, or reconstruction of an improvement shall meet 14319
the requirements of section 153.54 of the Revised Code. 14320

(4) Each bid for a contract, other than a contract for the 14321
construction, demolition, alteration, repair, or reconstruction of 14322
an improvement, at the discretion of the supervisors, may be 14323
accompanied by a bond or certified check on a solvent bank in an 14324
amount not to exceed five per cent of the bid, conditioned that, 14325
if the bid is accepted, a contract shall be entered into. 14326

(5) The supervisors may reject any and all bids. 14327

(I) To charge, alter, and collect rentals and other charges 14328
for the use or services of any works of the district; 14329

(J) To enter, either in person or by designated 14330
representatives, upon lands, private or public, in the necessary 14331
discharge of their duties; 14332

(K) To enter into agreements or contracts with the department 14333
of agriculture for the determination, implementation, inspection, 14334
and funding of agricultural pollution abatement measures whereby 14335
landowners, operators, managers, and developers may meet adopted 14336
state standards for a quality environment, except that failure of 14337
a district board of supervisors to negotiate an agreement or 14338

contract with the department authorizes the department to 14339
implement the required program; 14340

(L) To conduct demonstrations and provide information to the 14341
public regarding practices and methods for natural resource 14342
conservation, development, and utilization; 14343

(M) To enter into contracts or agreements with, and seek 14344
technical guidance and program support from, the director of 14345
environmental protection in furtherance of actions to abate urban 14346
sediment and storm water runoff pollution; 14347

(N) To enter into contracts or agreements with the director 14348
of natural resources for partnership on state programs to assist 14349
with local needs relating to the management of wildlife, forestry, 14350
waterways, and other natural resources programs; 14351

(O) To develop operation and management plans as necessary; 14352

~~(O)~~(P) To determine whether operation and management plans 14353
developed under division (A) of section 939.03 of the Revised Code 14354
comply with the standards established under division (E)(1) of 14355
section 939.02 of the Revised Code and to approve or disapprove 14356
the plans, based on such compliance. If an operation and 14357
management plan is disapproved, the board shall provide a written 14358
explanation to the person who submitted the plan. The person may 14359
appeal the plan disapproval to the director of agriculture or the 14360
director's designee, who shall afford the person a hearing. 14361
Following the hearing, the director or the director's designee 14362
shall uphold the plan disapproval or reverse it. If the director 14363
or the director's designee reverses the plan disapproval, the plan 14364
shall be deemed approved under this division. In the event that 14365
any person operating or owning agricultural land or an animal 14366
feeding operation in accordance with an approved operation and 14367
management plan who, in good faith, is following that plan, causes 14368
agricultural pollution, the plan shall be revised in a fashion 14369

necessary to mitigate the agricultural pollution, as determined 14370
and approved by the board of supervisors of the soil and water 14371
conservation district. 14372

~~(P)~~(Q) To develop timber harvest plans; 14373

~~(Q)~~(R) To determine whether timber harvest plans developed 14374
under division (A) of section 1503.52 of the Revised Code comply 14375
with the standards established under division (A)(1) of section 14376
1503.51 of the Revised Code and to approve or disapprove the plans 14377
based on such compliance. If a timber harvest plan is disapproved, 14378
the board shall provide a written explanation to the person who 14379
submitted the plan. The person may appeal the plan disapproval to 14380
the chief of the division of forestry or the chief's designee, who 14381
shall afford the person a hearing. Following the hearing, the 14382
chief or the chief's designee shall uphold the plan disapproval or 14383
reverse it. If the chief or the chief's designee reverses the plan 14384
disapproval, the plan shall be deemed approved under this 14385
division. 14386

~~(R)~~(S) With regard to composting conducted in conjunction 14387
with agricultural operations, to do all of the following: 14388

(1) Upon request or upon their own initiative, inspect 14389
composting at any such operation to determine whether the 14390
composting is being conducted in accordance with section 939.04 of 14391
the Revised Code; 14392

(2) If the board determines that composting is not being so 14393
conducted, request the director to take corrective actions under 14394
section 939.07 of the Revised Code that require the person who is 14395
conducting the composting to prepare a composting plan in 14396
accordance with rules adopted under division (E)(5)(a) of section 14397
939.02 of the Revised Code and to operate in accordance with that 14398
plan or to operate in accordance with a previously prepared plan, 14399
as applicable; 14400

(3) In accordance with rules adopted under division (E)(5)(b) 14401
of section 939.02 of the Revised Code, review and approve or 14402
disapprove any such composting plan. If a plan is disapproved, the 14403
board shall provide a written explanation to the person who 14404
submitted the plan. 14405

As used in division ~~(R)~~(S) of this section, "composting" has 14406
the same meaning as in section 939.01 of the Revised Code. 14407

~~(S)~~(T) With regard to conservation activities that are 14408
conducted in conjunction with agricultural operations, to assist 14409
the county auditor, upon request, in determining whether a 14410
conservation activity is a conservation practice for purposes of 14411
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 14412
Revised Code. 14413

As used in this division, "conservation practice" has the 14414
same meaning as in section 5713.30 of the Revised Code. 14415

~~(T)~~(U) To develop and approve or disapprove voluntary 14416
nutrient management plans in accordance with section 905.323 of 14417
the Revised Code; 14418

~~(U)~~(V) To do all acts necessary or proper to carry out the 14419
powers granted in this chapter. 14420

The director of agriculture shall make recommendations to 14421
reduce the adverse environmental effects of each project that a 14422
soil and water conservation district plans to undertake under 14423
division (A), (B), (C), or (D) of this section and that will be 14424
funded in whole or in part by moneys authorized under section 14425
940.17 of the Revised Code and shall disapprove any such project 14426
that the director finds will adversely affect the environment 14427
without equal or greater benefit to the public. The director's 14428
disapproval or recommendations, upon the request of the district 14429
filed in accordance with rules adopted by the Ohio soil and water 14430
conservation commission, shall be reviewed by the commission, 14431

which may confirm the director's decision, modify it, or add 14432
recommendations to or approve a project the director has 14433
disapproved. 14434

Any instrument by which real property is acquired pursuant to 14435
this section shall identify the agency of the state that has the 14436
use and benefit of the real property as specified in section 14437
5301.012 of the Revised Code. 14438

Sec. 956.01. As used in this chapter: 14439

"Accredited veterinarian" means a veterinarian accredited by 14440
the United States department of agriculture. 14441

"Adult dog" means a dog that is twelve months of age or 14442
older. 14443

"Animal rescue for dogs" means an individual or organization 14444
recognized by the director of agriculture that keeps, houses, and 14445
maintains dogs and that is dedicated to the welfare, health, 14446
safety, and protection of dogs, provided that the individual or 14447
organization does not operate for profit, does not sell dogs for a 14448
profit, does not breed dogs, does not sell dogs to a dog broker or 14449
pet store, and does not purchase more than nine dogs in any given 14450
calendar year unless the dogs are purchased from a dog warden 14451
appointed under Chapter 955. of the Revised Code, a humane 14452
society, or another animal rescue for dogs. "Animal rescue for 14453
dogs" includes an individual or organization that offers spayed or 14454
neutered dogs for adoption and charges reasonable adoption fees to 14455
cover the costs of the individual or organization, including, but 14456
not limited to, costs related to spaying or neutering dogs. 14457

"Animal shelter for dogs" means a facility that keeps, 14458
houses, and maintains dogs such as a dog pound operated by a 14459
municipal corporation, or by a county under Chapter 955. of the 14460
Revised Code, or that is operated by a humane society, animal 14461

welfare society, society for the prevention of cruelty to animals, 14462
or other nonprofit organization that is devoted to the welfare, 14463
protection, and humane treatment of dogs and other animals. 14464

"Boarding kennel" means an establishment operating for profit 14465
that keeps, houses, and maintains dogs solely for the purpose of 14466
providing shelter, care, and feeding of the dogs in return for a 14467
fee or other consideration. 14468

"Breeding dog" means an unspayed adult female dog that is 14469
primarily used for producing offspring. 14470

"Dog broker" means a person who buys, sells, or offers to 14471
sell dogs at wholesale for resale to another or who sells or gives 14472
one or more dogs to a pet store annually. "Dog broker" does not 14473
include an animal rescue for dogs, an animal shelter for dogs, a 14474
humane society, a medical kennel for dogs, a research kennel for 14475
dogs, a pet store, or a veterinarian. 14476

"Enrichment" means any modification in the environment of a 14477
confined dog that seeks to enhance the dog's physical and 14478
psychological well-being by providing stimuli that meets the dog's 14479
breed-specific needs. 14480

"Exercise" means activity that allows a dog to extend to full 14481
stride, play, and engage in other types of mentally stimulating 14482
and social behaviors. 14483

"High volume breeder" means an establishment that keeps, 14484
houses, and maintains six or more breeding dogs and does at least 14485
one of the following: 14486

(1) In return for a fee or other consideration, sells five or 14487
more adult dogs or puppies in any calendar year to dog brokers or 14488
pet stores; 14489

(2) In return for a fee or other consideration, sells forty 14490
or more puppies in any calendar year to the public; or 14491

(3) Keeps, houses, and maintains, at any given time in a 14492
calendar year, more than forty puppies that are under four months 14493
of age, that have been bred on the premises of the establishment, 14494
and that have been primarily kept, housed, and maintained from 14495
birth on the premises of the establishment. 14496

"Humane society" means an organization that is organized 14497
under section 1717.05 of the Revised Code. 14498

"Environmental division of the Franklin county municipal 14499
court" means the environmental division of the Franklin county 14500
municipal court created in section 1901.011 of the Revised Code. 14501

"Medical kennel for dogs" means a facility that is maintained 14502
by a veterinarian and operated primarily for the treatment of sick 14503
or injured dogs. 14504

"Pet store" means an individual retail store to which both of 14505
the following apply: the store sells forty or more puppies or 14506
adult dogs in any calendar year to the public; and with regard to 14507
the sale of a dog from the store, the sales person, the buyer of a 14508
dog, and the dog for sale are physically present during the sales 14509
transaction so that the buyer may personally observe the dog and 14510
help ensure its health prior to taking custody. "Pet store" does 14511
not include an animal rescue for dogs, an animal shelter for dogs, 14512
a humane society, a medical kennel for dogs, ~~or~~ a research kennel 14513
for dogs, or a high volume breeder or any other dog breeder that 14514
maintains and sells dogs from the same premises where the dogs are 14515
bred and reared. 14516

"Puppy" means a dog that is under twelve months of age. 14517

"Research kennel for dogs" means a facility housing dogs that 14518
is maintained exclusively for research purposes. 14519

"Thermoneutral zone" means the range of ambient temperature 14520
in which a dog is able to maintain normal body temperature without 14521
a change in metabolic rate. 14522

"Veterinarian" means either a veterinarian licensed in this state under Chapter 4741. of the Revised Code or a veterinarian licensed out of this state by an applicable state entity.

Sec. 956.051. (A) No dog broker shall negligently sell, deliver, barter, auction, broker, give away, or transfer a live dog to a pet store in this state unless the dog was obtained from one of the following sources:

(1) An animal rescue for dogs;

(2) An animal shelter for dogs;

(3) A humane society;

(4) A qualified breeder as defined in section 956.19 of the Revised Code.

(B) No dog broker shall negligently sell, deliver, barter, auction, broker, give away, or transfer to a pet store in this state any of the following:

(1) A dog that is less than eight weeks old;

(2) A dog without a health certificate signed by an accredited veterinarian;

(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;

(4) A dog to a person who is younger than eighteen years of age as verified by valid photo identification;

(5) A dog acquired from a qualified breeder as defined in section 956.19 of the Revised Code unless the dog broker provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:

(a) The name of the breeder that bred the dog;	14552
(b) The address, if available, of the breeder that bred the dog;	14553 14554
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy of the most current United States department of agriculture inspection report for the breeder;	14555 14556 14557 14558
(d) The dog's birth date, if known;	14559
(e) The date that the pet store took possession of the dog;	14560
(f) The breed, gender, color, and any identifying marks of the dog;	14561 14562
(g) A document signed by an accredited veterinarian that describes any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog at the time of examination;	14563 14564 14565 14566
(h) A document signed by the dog broker certifying that all information required to be provided to the person acquiring the dog under this section is accurate. A dog broker shall keep a copy of the certification for a period of at least two years from the date of the acquisition. The dog broker shall make the copy of the certification available for inspection or duplication by the department of agriculture.	14567 14568 14569 14570 14571 14572 14573
(C) No dog broker shall recklessly alter or provide false information on a certification provided in accordance with division (B)(5) of this section.	14574 14575 14576
(D) This section does not apply to any dog that is being sold, delivered, bartered, auctioned, given away, brokered, or transferred from the premises where the dog was bred and reared.	14577 14578 14579
Sec. 956.20. (A) No owner, manager, or employee of a pet	14580

store shall negligently display, offer for sale, deliver, barter, 14581
auction, broker, give away, transfer, or sell any live dog from a 14582
pet store to a person unless the dog was obtained from one of the 14583
following sources: 14584

(1) An animal rescue for dogs; 14585

(2) An animal shelter for dogs; 14586

(3) A humane society; 14587

(4) A dog broker, provided that, if the dog broker originally 14588
obtained the dog from a breeder, the breeder is a qualified 14589
breeder; 14590

(5) A qualified breeder. 14591

(B) No owner, manager, or employee of a pet store shall 14592
negligently sell, deliver, barter, auction, broker, give away, or 14593
transfer any of the following: 14594

(1) A dog that is less than eight weeks old; 14595

(2) A dog without a health certificate signed by an 14596
accredited veterinarian; 14597

(3) A dog that does not have a permanent implanted 14598
identification microchip that is approved for use by the director 14599
of agriculture under rules adopted under section 956.03 of the 14600
Revised Code; 14601

(4) A dog to a person who is younger than eighteen years of 14602
age as verified by valid photo identification; 14603

(5) A dog acquired from a qualified breeder or a dog broker 14604
unless the owner, manager, or employee provides to the person 14605
acquiring the dog, at a time prior to the transaction for the 14606
acquisition of the dog, a written certification that includes all 14607
of the following information: 14608

(a) The name of the breeder that bred the dog; 14609

(b) The address, if available, of the breeder that bred the dog;	14610 14611
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy of the most current United States department of agriculture inspection report for the breeder;	14612 14613 14614 14615
(d) The dog's birth date, if known;	14616
(e) The date that the pet store took possession of the dog;	14617
(f) The breed, gender, color, and any identifying marks of the dog;	14618 14619
(g) A document signed by an accredited veterinarian that describes any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog at the time of examination;	14620 14621 14622 14623
(h) A document signed by the owner, manager, or employee of the pet store certifying that all information required to be provided to the person acquiring the dog under division (B)(5) of this section is accurate. A pet store shall keep a copy of the certification for a period of at least two years from the date of the acquisition. The owner, manager, or an employee of the pet store shall make the copy of the certification available for inspection or duplication by the department of agriculture.	14624 14625 14626 14627 14628 14629 14630 14631
(6) A dog acquired from a qualified breeder or a dog broker unless all of the following information regarding the dog is available to the general public at the pet store:	14632 14633 14634
(a) The name of the breeder that bred the dog;	14635
(b) The address, if available, of the breeder that bred the dog;	14636 14637
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable;	14638 14639

(d) The dog's birth date, if known; 14640

(e) The breed of the dog. 14641

(C) No owner, manager, or employee of a pet store shall 14642
recklessly alter or provide false information on a certification 14643
provided in accordance with division (B)(5) of this section. 14644

~~(D) This section does not apply to any dog that is being 14645
sold, delivered, bartered, auctioned, given away, brokered, or 14646
transferred from the premises where the dog was bred and reared. 14647~~

Sec. 991.02. (A) There is hereby created the Ohio expositions 14648
commission, which shall consist of the following ~~fourteen~~ fifteen 14649
members: nine members appointed by the governor with the advice 14650
and consent of the senate; the director of development, the 14651
director of natural resources, and the director of agriculture, or 14652
their designated representatives, who shall be ex officio members 14653
with voting rights of the commission; the dean of the college of 14654
food, agricultural, and environmental sciences of the Ohio state 14655
university as an ex officio member with voting rights of the 14656
commission; and the chairperson of the standing committee in the 14657
house of representatives to which matters dealing with agriculture 14658
are generally referred and the chairperson of the standing 14659
committee in the senate to which matters dealing with agriculture 14660
are generally referred, who shall be nonvoting members. If the 14661
senate is not in session, recess appointments shall be made by the 14662
governor. 14663

(B) Of the nine members of the commission appointed by the 14664
governor, not more than five shall be from one political party, at 14665
least three members shall receive the major portion of their 14666
income from farming, and at least one member shall, at the time of 14667
appointment, be a member of the board of directors of an 14668
agricultural society that was organized in compliance with section 14669
1711.01 or 1711.02 of the Revised Code. Terms of office shall be 14670

for six years, commencing on the second day of December and ending 14671
on the first day of December. Each member shall hold office from 14672
the date of appointment until the end of the term for which the 14673
member was appointed. Any member appointed to fill a vacancy 14674
occurring prior to the expiration of the term for which the 14675
member's predecessor was appointed shall hold office for the 14676
remainder of that term. Any member shall continue in office 14677
subsequent to the expiration date of the member's term until the 14678
member's successor takes office, or until a period of sixty days 14679
has elapsed, whichever occurs first. 14680

The term of each nonvoting, legislative member of the 14681
commission shall be for two years or until the end of the member's 14682
legislative term, whichever occurs first. 14683

(C) The commission shall annually, during the month of 14684
December, select from among its members a chairperson, a 14685
vice-chairperson, who in the absence of the chairperson shall 14686
carry out the chairperson's duties, and a secretary, who may be a 14687
member or employee of the commission, to record the minutes of its 14688
meetings and to carry out such other duties as may be assigned by 14689
the commission, its chairperson, or its vice-chairperson. 14690

(D) The director of agriculture, the director of natural 14691
resources, and the director of development, or their designated 14692
representatives, the dean of the college of food, agricultural, 14693
and environmental sciences of the Ohio state university, and the 14694
two legislators appointed to the commission, as members of the 14695
commission shall serve without compensation. 14696

(E) Each of the members of the commission appointed by the 14697
governor shall be paid the rate established pursuant to division 14698
(J) of section 124.15 of the Revised Code. All members of the 14699
commission are entitled to their actual and necessary expenses 14700
incurred in the performance of their duties as such members, 14701
payable from the appropriations for the commission. 14702

(F) The commission shall hold at least one regular meeting in 14703
each quarter of each calendar year, and shall keep a record of its 14704
proceedings, which shall be open to the public for inspection. 14705
Special meetings may be called by the chairperson and shall be 14706
called by the chairperson upon receipt of a written request 14707
therefor signed by two or more members of the commission. Written 14708
notice of the time and place of each meeting shall be sent to each 14709
member of the commission. Six of the voting members of the 14710
commission shall constitute a quorum. 14711

(G) The commission shall employ and prescribe the powers and 14712
duties of a general manager who shall serve in the unclassified 14713
civil service at a salary fixed pursuant to section 124.14 of the 14714
Revised Code. The general manager may employ such assistant 14715
managers as the general manager and the commission may approve. At 14716
no time shall such assistant managers exceed four in number, one 14717
of whom shall be appointed in the classified civil service. The 14718
general manager may, subject to the approval of the commission, 14719
employ a fiscal officer and such other officers, employees, and 14720
consultants with such powers and duties as are necessary to carry 14721
out this chapter. With the approval of the commission and in order 14722
to implement this chapter, the general manager may employ and fix 14723
the compensation of seasonal employees; these employees shall be 14724
in the unclassified civil service, and the overtime pay 14725
requirements of section 124.18 of the Revised Code do not apply to 14726
them. The general manager shall be considered the appointing 14727
authority of the commission for purposes of Chapter 124. of the 14728
Revised Code. 14729

(H) The governor may remove any appointed voting member of 14730
the commission at any time for inefficiency, neglect of duty, or 14731
malfeasance in office. 14732

Sec. 1505.09. (A) There is hereby created in the state 14733

treasury the geological mapping fund, to be administered by the 14734
chief of the division of geological survey. Except as provided in 14735
~~division (B)~~ divisions (C) and (D) of this section, the fund shall 14736
be used for both of the following purposes ~~of performing~~: 14737

(1) Performing the necessary field, laboratory, and 14738
administrative tasks to map and make public reports on the 14739
geology, geologic hazards, and energy and mineral resources of the 14740
state; 14741

(2) The administration of the oil and gas leasing commission 14742
created in section 1509.71 of the Revised Code. ~~The source~~ 14743

(B) The sources of money for the fund shall include, ~~but not~~ 14744
~~be limited to,~~ the all of the following: 14745

(1) The mineral severance tax as specified in section 5749.02 14746
of the Revised Code ~~transfers~~; 14747

(2) Transfers made to the fund in accordance with section 14748
6111.046 of the Revised Code, ~~and the~~; 14749

(3) Contributions that a person pays to the bureau of motor 14750
vehicles to obtain "Ohio geology" license plates under section 14751
4503.515 of the Revised Code; 14752

(4) The fees collected under rules adopted under section 14753
1505.05 of the Revised Code. ~~The~~ 14754

The chief may seek federal or other money in addition to the 14755
mineral severance tax and fees to carry out the purposes of this 14756
section. If the chief receives federal money for the purposes of 14757
this section, the chief shall deposit that money into the state 14758
treasury to the credit of a fund created by the controlling board 14759
to carry out those purposes. ~~Other~~ 14760

Other money received by the chief for the purposes of this 14761
section in addition to the mineral severance tax, fees, and 14762
federal money shall be credited to the geological mapping fund. 14763

~~(B)~~(C) Any money transferred to the geological mapping fund 14764
in accordance with section 6111.046 of the Revised Code shall be 14765
used by the chiefs of the divisions of mineral resources 14766
management, oil and gas resources management, geological survey, 14767
and water resources in the department of natural resources for the 14768
purpose of executing their duties under sections 6111.043 to 14769
6111.047 of the Revised Code. 14770

(D) The director of natural resources shall use contributions 14771
from "Ohio geology" license plates deposited into the fund for 14772
both of the following purposes in order of preference: 14773

(1) To award grants to geology departments at state colleges 14774
and universities for graduate level research conducted at 14775
locations of geological interest in the state; 14776

(2) To provide materials such as rock and mineral kits to 14777
state elementary and secondary schools to assist students in the 14778
study of geology. 14779

The director shall award grants at least annually, but at the 14780
director's discretion, may award grants more frequently. 14781

Sec. 1533.10. (A) Except as provided in this section or 14782
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 14783
of the Revised Code, no person shall hunt any wild bird or wild 14784
quadruped without a hunting license. Each day that any person 14785
hunts within the state without procuring such a license 14786
constitutes a separate offense. 14787

(B)(1) Except as otherwise provided in this section, division 14788
(A) of section 1533.12 of the Revised Code, or in rules adopted 14789
under division (B) of that section, each applicant for a hunting 14790
license shall pay an annual fee for each annual license in 14791
accordance with the following schedule: 14792

Hunting license - resident \$18.00 14793

Hunting license - nonresident, and that <u>is</u> not a resident of a reciprocal state, ages 18 and older	\$174.00	14794
Hunting license - nonresident, but that <u>is</u> a resident of a reciprocal state, ages 18 and older	\$18.00	14795
Apprentice hunting license - resident	\$18.00	14796
Apprentice hunting license - nonresident, and that <u>is</u> not a resident of a reciprocal state	\$174.00	14797
Apprentice hunting license - nonresident, but that <u>is</u> a resident of a reciprocal state	\$18.00	14798
Youth hunting license - resident and nonresident	\$9.00	14799
Apprentice youth hunting license - resident	\$9.00	14800
Senior hunting license - resident	\$9.00	14801
Apprentice senior hunting license - resident	\$9.00	14802
(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.		14803 14804 14805 14806 14807
(3) As used in division (B)(1) of this section:		14808
(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit <u>license</u> .		14809 14810
(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit <u>license</u> .		14811 14812
(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.		14813 14814
(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting license. A resident of any other state who owns real property in this state, and the spouse and children living with the property owner, may hunt on that property without a license, provided that the state		14815 14816 14817 14818 14819 14820

of residence of the real property owner allows residents of this 14821
state owning real property in that state, and the spouse and 14822
children living with the property owner, to hunt without a 14823
license. If the owner of land in this state is a limited liability 14824
company or a limited liability partnership that consists of three 14825
or fewer individual members or partners, as applicable, an 14826
individual member or partner who is a resident of this state and 14827
the member's or partner's children of any age and grandchildren 14828
under eighteen years of age may hunt on the land owned by the 14829
limited liability company or limited liability partnership without 14830
a hunting license. In addition, if the owner of land in this state 14831
is a trust that has a total of three or fewer trustees and 14832
beneficiaries, an individual who is a trustee or beneficiary and 14833
who is a resident of this state and the individual's children of 14834
any age and grandchildren under eighteen years of age may hunt on 14835
the land owned by the trust without a hunting license. The tenant 14836
and children of the tenant, residing on lands in the state, may 14837
hunt on them without a hunting license. 14838

(D) The chief of the division of wildlife may issue a small 14839
game hunting license expiring three days from the effective date 14840
of the license to a nonresident of the state, the fee for which 14841
~~shall be~~ is thirty-nine dollars. No person shall take or possess 14842
deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or 14843
any nongame animal while possessing only a small game hunting 14844
license. A 14845

A small game hunting license or an apprentice nonresident 14846
hunting license does not authorize the taking or possessing of 14847
ducks, geese, or brant without having obtained, in addition to the 14848
small game hunting license or the apprentice nonresident hunting 14849
license, a wetlands habitat stamp as provided in section 1533.112 14850
of the Revised Code. A small game hunting license or an apprentice 14851
nonresident hunting license does not authorize the taking or 14852

possessing of deer, wild turkeys, or fur-bearing animals. A 14853
nonresident of the state who wishes to take or possess deer, wild 14854
turkeys, or fur-bearing animals in this state shall procure, 14855
respectively, a deer or wild turkey permit as provided in section 14856
1533.11 of the Revised Code or a fur taker permit as provided in 14857
section 1533.111 of the Revised Code in addition to a nonresident 14858
hunting license, an apprentice nonresident hunting license, a 14859
special youth hunting license, or an apprentice youth hunting 14860
license, as applicable, as provided in this section. 14861

(E) No person shall procure or attempt to procure a hunting 14862
license by fraud, deceit, misrepresentation, or any false 14863
statement. 14864

(F)(1) This section does not authorize the taking and 14865
possessing of deer or wild turkeys without first having obtained, 14866
in addition to the hunting license required by this section, a 14867
deer or wild turkey permit as provided in section 1533.11 of the 14868
Revised Code or the taking and possessing of ducks, geese, or 14869
brant without first having obtained, in addition to the hunting 14870
license required by this section, a wetlands habitat stamp as 14871
provided in section 1533.112 of the Revised Code. 14872

(2) This section does not authorize the hunting or trapping 14873
of fur-bearing animals without first having obtained, in addition 14874
to a hunting license required by this section, a fur taker permit 14875
as provided in section 1533.111 of the Revised Code. 14876

(G)(1) No hunting license shall be issued unless it is 14877
accompanied by a written explanation of the law in section 1533.17 14878
of the Revised Code and the penalty for its violation, including a 14879
description of terms of imprisonment and fines that may be 14880
imposed. 14881

(2) No hunting license, other than an apprentice hunting 14882
license, shall be issued unless the applicant presents to the 14883

agent authorized to issue the license a previously held hunting 14884
license or evidence of having held such a license in content and 14885
manner approved by the chief, a certificate of completion issued 14886
upon completion of a hunter education and conservation course 14887
approved by the chief, or evidence of equivalent training in 14888
content and manner approved by the chief. A previously held 14889
apprentice hunting license does not satisfy the requirement 14890
concerning the presentation of a previously held hunting license 14891
or evidence of it. 14892

(3) No person shall issue a hunting license, except an 14893
apprentice hunting license, to any person who fails to present the 14894
evidence required by this section. No person shall purchase or 14895
obtain a hunting license, other than an apprentice hunting 14896
license, without presenting to the issuing agent the evidence 14897
required by this section. Issuance of a hunting license in 14898
violation of the requirements of this section is an offense by 14899
both the purchaser of the illegally obtained hunting license and 14900
the clerk or agent who issued the hunting license. Any hunting 14901
license issued in violation of this section is void. 14902

(H) The chief, with approval of the wildlife council, shall 14903
adopt rules prescribing a hunter education and conservation course 14904
for first-time hunting license buyers, other than buyers of 14905
apprentice hunting licenses, and for volunteer instructors. The 14906
course shall consist of subjects including, but not limited to, 14907
hunter safety and health, use of hunting implements, hunting 14908
tradition and ethics, the hunter and conservation, the law in 14909
section 1533.17 of the Revised Code along with the penalty for its 14910
violation, including a description of terms of imprisonment and 14911
fines that may be imposed, and other law relating to hunting. 14912
Authorized personnel of the division or volunteer instructors 14913
approved by the chief shall conduct such courses with such 14914
frequency and at such locations throughout the state as to 14915

reasonably meet the needs of license applicants. The chief shall 14916
issue a certificate of completion to each person who successfully 14917
completes the course and passes an examination prescribed by the 14918
chief. 14919

Sec. 1533.11. (A)(1) Except as provided in this section or 14920
section 1533.731 of the Revised Code, no person shall hunt deer on 14921
lands of another without first obtaining an annual deer permit. 14922
Except as provided in this section, no person shall hunt wild 14923
turkeys on lands of another without first obtaining an annual wild 14924
turkey permit. A deer or wild turkey permit is valid during the 14925
hunting license year in which the permit is purchased. Except as 14926
provided in rules adopted under division (B) of that section, each 14927
applicant for a deer or wild turkey permit shall pay an annual fee 14928
for each permit in accordance with the following schedule: 14929

Deer permit - resident	\$23.00	14930
	<u>\$30.00</u>	
Deer permit - nonresident, all ages	\$74.00	14931
Youth deer permit - resident <u>and nonresident</u>	\$11.50	14932
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	14933
Wild turkey permit - resident	\$23.00	14934
	<u>\$30.00</u>	
Wild turkey permit - nonresident, all ages	\$28.00	14935
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	\$11.50	14936
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	14937

(2) As used in division (A)(1) of this section: 14938

(a) "Resident" means an individual who has resided in this 14939
state for not less than six months preceding the date of making 14940
application for a permit. 14941

(b) "Nonresident" means any individual who does not qualify as a resident. 14942
14943

(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit. 14944
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(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit. 14946
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(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey. 14948
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(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section. 14955
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(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code. 14960
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(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or 14963
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limited liability partnership without a deer or wild turkey 14973
permit. In addition, if the owner of land in this state is a trust 14974
that has a total of three or fewer trustees and beneficiaries, an 14975
individual who is a trustee or beneficiary and who is a resident 14976
of this state and the individual's children of any age may hunt 14977
deer or wild turkey on the land owned by the trust without a deer 14978
or wild turkey permit. The tenant and children of the tenant may 14979
hunt deer or wild turkey on lands where they reside without a deer 14980
or wild turkey permit. 14981

(B) A deer or wild turkey permit is not transferable. No 14982
person shall carry a deer or wild turkey permit issued in the name 14983
of another person. 14984

(C) The wildlife refunds fund is hereby created in the state 14985
treasury. The fund shall consist of money received from 14986
application fees for deer permits that are not issued. Money in 14987
the fund shall be used to make refunds of such application fees. 14988

(D) If the division establishes a system for the electronic 14989
submission of information regarding deer or wild turkey that are 14990
taken, the division shall allow the owner and the children of the 14991
owner of lands in this state to use the owner's name or address 14992
for purposes of submitting that information electronically via 14993
that system. 14994

Sec. 1533.111. ~~(A) Except as provided in this section or 14995
division (A)(2) of section 1533.12 of the Revised Code, no person 14996
shall hunt or trap fur-bearing animals on land of another without 14997
first obtaining some type of an annual fur taker permit. Each 14998
applicant for a fur taker permit or an apprentice fur taker permit 14999
shall pay an annual fee of fourteen dollars for the permit, except 15000
as otherwise provided in this section or unless the rules adopted 15001
under division (B) of section 1533.12 of the Revised Code provide 15002
for issuance of a fur taker permit to the applicant free of 15003~~

~~charge. Except as provided in rules adopted under division (B)(2) 15004
of that section, each applicant who is a resident of this state 15005
and who at the time of application is sixty six years of age or 15006
elder shall procure a special senior fur taker permit or an 15007
apprentice senior fur taker permit, the fee for which shall be 15008
one half of the regular permit fee. Each applicant under the age 15009
of eighteen years shall procure a special youth fur taker permit 15010
or an apprentice youth fur taker permit, the fee for which shall 15011
be one half of the regular fur taker permit fee. Each 15012~~

(B)(1) Except as otherwise provided in rules adopted under 15013
division (B) of section 1533.12 of the Revised Code, each 15014
applicant for a fur taker permit or an apprentice fur taker permit 15015
shall pay an annual fee for each annual permit in accordance with 15016
the following schedule: 15017

<u>Fur taker permit</u>	<u>\$14.00</u>	15018
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	15019
<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	15020
<u>Apprentice senior fur taker permit - resident 15021 only</u>	<u>\$7.00</u>	
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	15022
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	15023

(2) As used in division (B)(1) of this section: 15024

(a) "Youth" means an applicant who is under the age of 15025
eighteen years at the time of application for a permit. 15026

(b) "Senior" means an applicant who is sixty-six years of age 15027
or older at the time of application for a permit. 15028

(C) Each type of fur taker permit is valid during the hunting 15029
license year in which the permit is purchased. The money received 15030
shall be paid into the state treasury to the credit of the fund 15031
established in section 1533.15 of the Revised Code. Apprentice fur 15032
taker permits and apprentice youth fur taker permits are subject 15033

to the requirements established under section 1533.102 of the Revised Code and rules adopted pursuant to it.

(D)(1) No person shall issue a fur taker permit ~~shall be issued to an applicant~~ unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

(2) No person shall issue a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, ~~shall be issued to an applicant~~ unless the applicant presents to the agent authorized to issue a fur taker permit a previously held hunting license or trapping or fur taker permit or evidence of having held such a license or permit in content and manner approved by the chief of the division of wildlife, a certificate of completion issued upon completion of a trapper education course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license, apprentice fur taker permit, or apprentice youth fur taker permit does not satisfy the requirement concerning the presentation of a previously held hunting license or fur taker permit or evidence of such a license or permit.

(3) No person shall issue a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a fur taker permit, other than an apprentice fur taker permit or an apprentice youth fur taker permit, without presenting to the issuing agent the evidence required by this section. Issuance of a fur taker permit in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained permit and the clerk or agent who issued the permit. Any fur taker permit issued in violation of this section is void.

(E) The chief, with approval of the wildlife council, shall 15066
adopt rules prescribing a trapper education course for first-time 15067
fur taker permit buyers, other than buyers of apprentice fur taker 15068
permits or apprentice youth fur taker permits, and for volunteer 15069
instructors. The course shall consist of subjects that include, 15070
but are not limited to, trapping techniques, animal habits and 15071
identification, trapping tradition and ethics, the trapper and 15072
conservation, the law in section 1533.17 of the Revised Code along 15073
with the penalty for its violation, including a description of 15074
terms of imprisonment and fines that may be imposed, and other law 15075
relating to trapping. Authorized personnel of the division of 15076
wildlife or volunteer instructors approved by the chief shall 15077
conduct the courses with such frequency and at such locations 15078
throughout the state as to reasonably meet the needs of permit 15079
applicants. The chief shall issue a certificate of completion to 15080
each person who successfully completes the course and passes an 15081
examination prescribed by the chief. 15082

(F) Every person, while hunting or trapping fur-bearing 15083
animals on lands of another, shall carry the person's fur taker 15084
permit with the person's signature written on the permit. Failure 15085
to carry such a signed permit constitutes an offense under this 15086
section. The chief shall adopt any additional rules the chief 15087
considers necessary to carry out this section. 15088

(G) An owner who is a resident of this state or an owner who 15089
is exempt from obtaining a hunting license under section 1533.10 15090
of the Revised Code and the children of the owner of lands in this 15091
state may hunt or trap fur-bearing animals thereon without a fur 15092
taker permit. If the owner of land in this state is a limited 15093
liability company or a limited liability partnership that consists 15094
of three or fewer individual members or partners, as applicable, 15095
an individual member or partner who is a resident of this state 15096
and the member's or partner's children of any age may hunt or trap 15097

fur-bearing animals on the land owned by the limited liability 15098
company or limited liability partnership without a fur taker 15099
permit. In addition, if the owner of land in this state is a trust 15100
that has a total of three or fewer trustees and beneficiaries, an 15101
individual who is a trustee or beneficiary and who is a resident 15102
of this state and the individual's children of any age may hunt or 15103
trap fur-bearing animals on the land owned by the trust without a 15104
fur taker permit. The tenant and children of the tenant may hunt 15105
or trap fur-bearing animals on lands where they reside without a 15106
fur taker permit. 15107

(H) A fur taker permit is not transferable. No person shall 15108
carry a fur taker permit issued in the name of another person. 15109

(I) A fur taker permit entitles a nonresident to take from 15110
this state fur-bearing animals taken and possessed by the 15111
nonresident as provided by law or division rule. 15112

Sec. 1533.112. Except as provided in this section or unless 15113
otherwise provided by division rule, no person shall hunt ducks, 15114
geese, or brant on the lands of another without first obtaining an 15115
annual wetlands habitat stamp. The annual fee for the wetlands 15116
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 15117
~~the otherwise provided in~~ rules adopted under division (B) of 15118
section 1533.12 ~~provide for issuance of a wetlands habitat stamp~~
~~to the applicant free of charge~~ of the Revised Code. 15119
15120

Moneys received from the stamp fee shall be paid into the 15121
state treasury to the credit of the wetlands habitat fund, which 15122
is hereby established. Moneys shall be paid from the fund on the 15123
order of the director of natural resources for the following 15124
purposes: 15125

(A) Sixty per cent for projects that the division approves 15126
for the acquisition, development, management, or preservation of 15127
waterfowl areas within the state; 15128

(B) Forty per cent for contribution by the division to an 15129
appropriate nonprofit organization for the acquisition, 15130
development, management, or preservation of lands and waters 15131
within the United States or Canada that provide or will provide 15132
habitat for waterfowl with migration routes that cross this state. 15133

No moneys derived from the issuance of wetlands habitat 15134
stamps shall be spent for purposes other than those specified by 15135
this section. All investment earnings of the fund shall be 15136
credited to the fund. 15137

Wetlands habitat stamps shall be furnished by and in a form 15138
prescribed by the chief of the division of wildlife and issued by 15139
clerks and other agents authorized to issue licenses and permits 15140
under section 1533.13 of the Revised Code. The record of stamps 15141
kept by the clerks and other agents shall be uniform throughout 15142
the state, in such form or manner as the director prescribes, and 15143
open at all reasonable hours to the inspection of any person. 15144
Unless otherwise provided by rule, each stamp shall remain in 15145
force until midnight of the thirty-first day of August next 15146
ensuing. Wetlands habitat stamps may be issued in any manner to 15147
any person on any date, whether or not that date is within the 15148
period in which they are effective. 15149

Every person to whom this section applies, while hunting 15150
ducks, geese, or brant, shall carry an unexpired wetlands habitat 15151
stamp that is validated by the person's signature written on the 15152
stamp in ink and shall exhibit the stamp to any enforcement 15153
officer so requesting. No person shall fail to carry and exhibit 15154
the person's stamp. 15155

A wetlands habitat stamp is not transferable. 15156

The chief shall establish a procedure to obtain subject 15157
matter to be printed on the wetlands habitat stamp and shall use, 15158
dispose of, or distribute the subject matter as the chief 15159

considers necessary. The chief also shall adopt rules necessary to 15160
administer this section. 15161

This section does not apply to persons under sixteen years of 15162
age nor to persons exempted from procuring a hunting license under 15163
section 1533.10 or division (A)(2) of section 1533.12 of the 15164
Revised Code. 15165

Sec. 1533.32. (A) Except as provided in this section or 15166
division (A)(2) or (C) of section 1533.12 of the Revised Code or 15167
as exempted at the discretion of the chief of the division of 15168
wildlife, no person, including nonresidents, shall take or catch 15169
any fish by angling in any of the waters in the state or engage in 15170
fishing in those waters without a license. No person shall take or 15171
catch frogs or turtles without a valid fishing license, except as 15172
provided in this section. Persons fishing in privately owned 15173
ponds, lakes, or reservoirs to or from which fish are not 15174
accustomed to migrate are exempt from the license requirements set 15175
forth in this section. Persons fishing in privately owned ponds, 15176
lakes, or reservoirs that are open to public fishing through an 15177
agreement or lease with the division of wildlife shall comply with 15178
the license requirements set forth in this section. 15179

(B)(1) ~~The fee for an annual license shall be forty nine 15180
dollars for a resident of a state that is not a party to an 15181
agreement under section 1533.91 of the Revised Code. The fee for 15182
an annual license shall be eighteen dollars for a resident of a 15183
state that is a party to such an agreement. The fee for an annual 15184
license for residents of this state shall be eighteen dollars 15185
unless the rules adopted under division (B) of section 1533.12 of 15186
the Revised Code provide for issuance of a resident fishing 15187
license to the applicant free of charge. Except as provided in 15188
rules adopted under division (B)(2) of that section, each 15189
applicant who is a resident of this state and who at the time of 15190~~

~~application is sixty six years of age or older shall procure a special senior fishing license, the fee for which shall be one half of the annual resident fishing license fee.~~

(2) Except as otherwise provided in rules adopted under division (B) of section 1533.12 of the Revised Code, each applicant for a fishing license shall pay a fee for each license in accordance with the following schedule:

Annual fishing license - resident \$24.00

Annual fishing license - nonresident that is not a resident of a reciprocal state \$49.00

Annual fishing license - nonresident that is a resident of a reciprocal state \$24.00

Annual senior fishing license - resident \$9.00

Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state \$24.00

One-day fishing license \$13.00

(2) As used in division (B)(1) of this section:

(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. ~~The fee for a tourist's license shall be eighteen dollars.~~

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing

license to a resident of this state or of any other state. The fee 15219
for such a license shall be fifty five per cent of the amount 15220
~~established under this section for a tourist's license, rounded up~~ 15221
~~to the nearest whole dollar.~~ A one-day fishing license shall allow 15222
the holder to take or catch fish by angling in the waters in the 15223
state, engage in fishing in those waters, or take or catch frogs 15224
or turtles in those waters for one day without obtaining an annual 15225
license or a tourist's license under this section. At the request 15226
of a holder of a one-day fishing license who wishes to obtain an 15227
annual license, a clerk or agent authorized to issue licenses 15228
under section 1533.13 of the Revised Code, not later than the last 15229
day on which the one-day license would be valid if it were an 15230
annual license, shall credit the amount of the fee paid for the 15231
one-day license toward the fee charged for the annual license if 15232
so authorized by the chief. The clerk or agent shall issue the 15233
annual license upon presentation of the one-day license and 15234
payment of a fee in an amount equal to the difference between the 15235
fee for the annual license and the fee for the one-day license. 15236

(3) Unless otherwise provided by division rule, each annual 15237
license shall begin on the date of issuance and expire a year from 15238
the date of issuance. 15239

(4) Unless otherwise provided by division rule, each 15240
multi-year license issued in accordance with section 1533.321 of 15241
the Revised Code shall begin on the date of issuance and expire 15242
three years, five years, or ten years from the date of issuance, 15243
as applicable. 15244

(5) No person shall alter a fishing license or possess a 15245
fishing license that has been altered. 15246

(6) No person shall procure or attempt to procure a fishing 15247
license by fraud, deceit, misrepresentation, or any false 15248
statement. 15249

(7) A resident of this state who owns land over, through, 15250
upon, or along which any water flows or stands, except where the 15251
land is in or borders on state parks or state-owned lakes, 15252
together with the members of the immediate families of such 15253
owners, may take frogs and turtles and may take or catch fish of 15254
the kind permitted to be taken or caught therefrom without 15255
procuring a license provided for in this section. This exemption 15256
extends to tenants actually residing upon such lands and to the 15257
members of the immediate families of the tenants. A resident of 15258
any other state who owns land in this state over, through, upon, 15259
or along which any water flows or stands, except where the land is 15260
in or borders on state parks or state-owned lakes, and the spouse 15261
and children living with the owner, may take frogs and turtles and 15262
may take or catch fish of the kind permitted to be taken or caught 15263
from that water without obtaining a license under this section, 15264
provided that the state of residence of the owner allows residents 15265
of this state owning real property in that state, and the spouse 15266
and children living with such a property owner, to take frogs and 15267
turtles and take or catch fish without a license. If the owner of 15268
such land in this state is a limited liability company or a 15269
limited liability partnership that consists of three or fewer 15270
individual members or partners, as applicable, an individual 15271
member or partner who is a resident of this state and the member's 15272
or partner's children of any age may take frogs and turtles and 15273
may take or catch fish of the kind permitted to be taken or caught 15274
therefrom without procuring a license provided for in this 15275
section. In addition, if the owner of such land in this state is a 15276
trust that has a total of three or fewer trustees and 15277
beneficiaries, an individual who is a trustee or beneficiary and 15278
who is a resident of this state and the individual's children of 15279
any age may take frogs and turtles and may take or catch fish of 15280
the kind permitted to be taken or caught therefrom without 15281
procuring a license provided for in this section. Residents of 15282

state or county institutions, charitable institutions, and 15283
military homes in this state may take frogs and turtles without 15284
procuring the required license, provided that a member of the 15285
institution or home has an identification card, which shall be 15286
carried on that person when fishing. 15287

(8) Every fisher required to be licensed, while fishing or 15288
taking or attempting to take frogs or turtles, shall carry the 15289
license and exhibit it to any person. Failure to so carry and 15290
exhibit the license constitutes an offense under this section. 15291

Sec. 1533.321. (A) The chief of the division of wildlife may 15292
issue any of the following: 15293

(1) Multi-year hunting or fishing licenses for three-, five-, 15294
or ten-year terms to a resident of this state; 15295

(2) Lifetime hunting or fishing licenses to a resident of 15296
this state; 15297

(3) A package consisting of any combination of license, 15298
stamp, or permit that the chief is authorized to issue under this 15299
chapter. 15300

(B) The chief may adopt rules in accordance with section 15301
1531.10 of the Revised Code governing multi-year hunting and 15302
fishing licenses, lifetime hunting and fishing licenses, and 15303
combination packages, including rules establishing fees for the 15304
combination packages. The chief shall ensure that the price for a 15305
combination package is not discounted by more than five per cent 15306
of the total fees for the licenses, permits, or stamps that a 15307
person would otherwise pay for those licenses, permits, or stamps 15308
if the person purchased them individually. 15309

(C)(1) The multi-year and lifetime license fund is hereby 15310
created in the state treasury. The fund shall consist of money 15311
received from application fees for multi-year and lifetime hunting 15312

and fishing licenses. 15313

(2) Each fiscal year, a prorated amount of the money from 15314
each multi-year and lifetime license fee shall be transferred from 15315
the multi-year and lifetime license fund to the fund into which 15316
the applicable single year license fee would otherwise be 15317
deposited. The prorated amount shall equal the total amount of the 15318
fee charged for the license divided by the number of years the 15319
license is valid. The chief shall adopt rules in accordance with 15320
section 1531.10 of the Revised Code for the administration of this 15321
division, including establishing a system that prorates lifetime 15322
license fees for deposit each year into the wildlife fund created 15323
in section 1531.17 of the Revised Code. 15324

(3) Each fiscal year, all previous year's investment earnings 15325
from the multi-year and lifetime license fund shall be transferred 15326
into the wildlife fund created in section 1531.17 of the Revised 15327
Code. 15328

(D)(1) Each applicant for a multi-year or lifetime fishing 15329
license who is a resident of this state shall pay a fee for each 15330
license in accordance with the following schedule: 15331

Senior 3-year fishing license	\$27.50	15332
Senior 5-year fishing license	\$45.75	15333
Senior lifetime fishing license	\$81.00	15334
3-year fishing license	\$52.00	15335
5-year fishing license	\$86.75	15336
10-year fishing license	\$173.50	15337
Lifetime fishing license	\$450.00	15338
Youth lifetime fishing license	\$414.00	15339

(2) As used in division (D)(1) of this section: 15340

(a) "Youth" means an applicant who is under the age of 15341
sixteen years at the time of application for a ~~permit~~ license. 15342

(b) "Senior" means an applicant who is sixty-six years of age 15343

or older at the time of application for a ~~permit~~ license. 15344

(E)(1) Each applicant for a multi-year or lifetime hunting 15345
license who is a resident of this state shall pay a fee for each 15346
license in accordance with the following schedule: 15347

Senior 3-year hunting license	\$27.50	15348
Senior 5-year hunting license	\$45.75	15349
Senior lifetime hunting license	\$81.00	15350
Youth 3-year hunting license	\$27.50	15351
Youth 5-year hunting license	\$45.75	15352
Youth 10-year hunting license	\$91.50	15353
Youth lifetime hunting license	\$414.00	15354
3-year hunting license	\$52.00	15355
5-year hunting license	\$86.75	15356
10-year hunting license	\$173.50	15357
Lifetime hunting license	\$450.00	15358

(2) As used in division (E)(1) of this section: 15359

(a) "Youth" means an applicant who is under the age of 15360
eighteen years at the time of application for a ~~permit~~ license. 15361

(b) "Senior" means an applicant who is sixty-six years of age 15362
or older at the time of application for a ~~permit~~ license. 15363

(F) If a person who is issued a multi-year hunting or fishing 15364
license or lifetime hunting or fishing license in accordance with 15365
division (A) of this section subsequently becomes a nonresident 15366
after issuance of the license, the person's license remains valid 15367
in this state during its term, regardless of residency status. 15368

~~Sec. 1561.011. Except as provided in section 1561.24 of the~~ 15369
~~Revised Code, nothing~~ Nothing in this chapter applies to 15370
activities that are permitted and regulated under Chapter 1514. of 15371
the Revised Code. 15372

Sec. 1711.52. (A) The advisory council on amusement ride 15373

safety shall do both of the following: 15374

~~(A)(1)~~ Study any subject pertaining to amusement ride safety, 15375
including administrative, engineering, and technical subjects, and 15376
make findings and recommendations to the director of agriculture 15377
in accordance with division (B) of this section; 15378

~~(B)(2)~~ Prior to the adoption of any rules or amendments to 15379
those rules under division (B) of section 1711.53 and division (B) 15380
of section 1711.551 of the Revised Code, study the proposed rules 15381
to be adopted by the director regarding amusement ride safety, 15382
advise the director, and make findings and recommendations to the 15383
director; in accordance with division (B) of this section. 15384

~~(C) Not later than December 31, 2006, prepare and submit a 15385
report to the governor, the speaker and the minority leader of the 15386
house of representatives, the president and the minority leader of 15387
the senate, and the director concerning the advisory council's 15388
recommendations for alternative funding sources for the amusement 15389
ride safety program established under this chapter.~~ (B) Prior to 15390
submitting any findings or recommendations, the advisory council 15391
shall vote on whether to submit such findings or recommendations 15392
to the director. The advisory council shall submit only those 15393
findings and recommendations that receive a majority vote of the 15394
advisory council. 15395

(C) The director shall make available to the advisory council 15396
any information, reports, and studies requested by the advisory 15397
council. 15398

Sec. 1711.53. (A)(1) No person shall operate an amusement 15399
ride within the state without a permit issued by the director of 15400
agriculture under division (A)(2) of this section. The owner of an 15401
amusement ride, whether the ride is a temporary amusement ride or 15402
a permanent amusement ride, who desires to operate the amusement 15403
ride within the state shall, prior to the operation of the 15404

amusement ride and annually thereafter, submit to the department 15405
of agriculture an application for a permit, together with the 15406
appropriate permit and inspection fee, on a form to be furnished 15407
by the department. Prior to issuing any permit the department 15408
shall, within thirty days after the date on which it receives the 15409
application, inspect each amusement ride described in the 15410
application. The owner of an amusement ride shall have the 15411
amusement ride ready for inspection not later than two hours after 15412
the time that is requested by the person for the inspection. 15413

(2) For each amusement ride found to comply with the rules 15414
adopted by the director under division (B) of this section and 15415
division (B) of section 1711.551 of the Revised Code, the director 15416
shall issue an annual permit, provided that evidence of liability 15417
insurance coverage for the amusement ride as required by section 15418
1711.54 of the Revised Code is on file with the department. 15419

(3) The director shall issue with each permit a decal 15420
indicating that the amusement ride has been issued the permit. The 15421
owner of the amusement ride shall affix the decal on the ride at a 15422
location where the decal is easily visible to the patrons of the 15423
ride. A copy of the permit shall be kept on file at the same 15424
address as the location of the amusement ride identified on the 15425
permit, and shall be made available for inspection, upon 15426
reasonable demand, by any person. An owner may operate an 15427
amusement ride prior to obtaining a permit, provided that the 15428
operation is for the purpose of testing the amusement ride or 15429
training amusement ride operators and other employees of the owner 15430
and the amusement ride is not open to the public. 15431

(B) The director, in accordance with Chapter 119. of the 15432
Revised Code, shall adopt rules providing for a schedule of fines, 15433
with no fine exceeding five thousand dollars, for violations of 15434
sections 1711.50 to 1711.57 of the Revised Code or any rules 15435
adopted under this division and for the classification of 15436

amusement rides and rules for the safe operation and inspection of 15437
all amusement rides as are necessary for amusement ride safety and 15438
for the protection of the general public. Rules adopted by the 15439
director for the safe operation and inspection of amusement rides 15440
shall be reasonable and based upon generally accepted engineering 15441
standards and practices. In adopting rules under this section, the 15442
director may adopt by reference, in whole or in part, the national 15443
fire code or the national electrical code (NEC) prepared by the 15444
national fire protection association, the standards of the 15445
American society for testing and materials (ASTM) or the American 15446
national standards institute (ANSI), or any other principles, 15447
tests, or standards of nationally recognized technical or 15448
scientific authorities. Insofar as is practicable and consistent 15449
with sections 1711.50 to 1711.57 of the Revised Code, rules 15450
adopted under this division shall be consistent with the rules of 15451
other states. The department shall cause sections 1711.50 to 15452
1711.57 of the Revised Code and the rules adopted in accordance 15453
with this division and division (B) of section 1711.551 of the 15454
Revised Code to be published in pamphlet form and a copy to be 15455
furnished without charge to each owner of an amusement ride who 15456
holds a current permit or is an applicant therefor. 15457

(C) With respect to an application for a permit for an 15458
amusement ride, an owner may apply to the director for a waiver or 15459
modification of any rule adopted under division (B) of this 15460
section if there are practical difficulties or unnecessary 15461
hardships for the amusement ride to comply with the rules. Any 15462
application shall set forth the reasons for the request. The 15463
director, with the approval of the advisory council on amusement 15464
ride safety, may waive or modify the application of a rule to any 15465
amusement ride if the public safety is secure. Any authorization 15466
by the director under this division shall be in writing and shall 15467
set forth the conditions under which the waiver or modification is 15468
authorized, and the department shall retain separate records of 15469

all proceedings under this division. 15470

(D)(1) The director shall employ and provide for training of 15471
a chief inspector and additional inspectors and employees as may 15472
be necessary to administer and enforce sections 1711.50 to 1711.57 15473
of the Revised Code. The director may appoint or contract with 15474
other persons to perform inspections of amusement rides, provided 15475
that the persons meet the qualifications for inspectors 15476
established by rules adopted under division (B) of this section 15477
and are not owners, or employees of owners, of any amusement ride 15478
subject to inspection under sections 1711.50 to 1711.57 of the 15479
Revised Code. No person shall inspect an amusement ride who, 15480
within six months prior to the date of inspection, was an employee 15481
of the owner of the ride. 15482

(2) Before the director contracts with other persons to 15483
inspect amusement rides, the director shall seek the advice of the 15484
advisory council on amusement ride safety on whether to contract 15485
with those persons. The advice shall not be binding upon the 15486
director. After having received the advice of the council, the 15487
director may proceed to contract with inspectors in accordance 15488
with the procedures specified in division (E)(2) of section 15489
1711.11 of the Revised Code. 15490

(3) With the advice and consent of the advisory council on 15491
amusement ride safety, the director may employ a special 15492
consultant to conduct an independent investigation of an amusement 15493
ride accident. This consultant need not be in the civil service of 15494
the state, but shall have qualifications to conduct the 15495
investigation acceptable to the council. 15496

(E)(1) Except as otherwise provided in division (E)(1) of 15497
this section, the department shall charge the following amusement 15498
ride fees: 15499

Permit \$ ~~150~~ 15500

	<u>225</u>	
Annual inspection and reinspection per ride:		15501
Kiddie rides	\$ 100	15502
	<u>104</u>	
Roller coaster	\$ 1,200	15503
	<u>1,248</u>	
Aerial lifts or bungee jumping facilities	\$ 450	15504
	<u>468</u>	
Go karts, per kart	\$ 5	15505
		15506
Other rides	\$ 160	15507
	<u>166</u>	
Midseason operational inspection per ride	\$ 25	15508
Expedited inspection per ride	\$ 100	15509
Failure to cancel scheduled inspection per ride	\$ 100	15510
Failure to have amusement ride ready for inspection		15511
per ride	\$ 100	15512
The go kart inspection fee is in addition to the inspection		15513
fee for the go kart track.		15514
The director shall adopt rules in accordance with Chapter		15515
119. of the Revised Code establishing an annual fee that is less		15516
than one hundred five <u>nine</u> dollars for an inspection and		15517
reinspection of an inflatable ride. In adopting the rules, the		15518
director shall ensure that the fee reasonably reflects the costs		15519
of inspection and reinspection of an inflatable ride. If the		15520
director issues a permit for an inflatable ride for a time period		15521
of less than one year, the director shall charge a prorated fee		15522
for the permit equal to one-twelfth of the annual permit fee		15523
multiplied by the number of full months for which the permit is		15524
issued.		15525
The fees for an expedited inspection, failure to cancel a		15526
scheduled inspection, and failure to have an amusement ride ready		15527

for inspection do not apply to go karts. 15528

As used in division (E)(1) of this section, "expedited 15529
inspection" means an inspection of an amusement ride by the 15530
department not later than ten days after the owner of the 15531
amusement ride files an application for a permit under this 15532
section. 15533

(2) All fees and fines collected by the department under 15534
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 15535
in the state treasury to the credit of the amusement ride 15536
inspection fund, which is hereby created, and shall be used only 15537
for the purpose of administering and enforcing sections 1711.11 15538
and 1711.50 to 1711.57 of the Revised Code. 15539

(3) The owner of an amusement ride shall be required to pay a 15540
reinspection fee only if the reinspection was conducted at the 15541
owner's request under division (F) of this section, if the 15542
reinspection is required by division (F) of this section because 15543
of an accident, or if the reinspection is required by division (F) 15544
of section 1711.55 of the Revised Code. If a reinspection is 15545
conducted at the request of the chief officer of a fair, festival, 15546
or event where the ride is operating, the reinspection fee shall 15547
be charged to the fair, festival, or event. 15548

(4) The rules adopted under division (B) of this section 15549
shall define "roller coaster," "aerial lifts," "go karts," and 15550
"other rides" for purposes of determining the fees under division 15551
(E) of this section. The rules shall define "other rides" to 15552
include go kart tracks. 15553

(F) A reinspection of an amusement ride shall take place if 15554
an accident occurs, if the owner of the ride or the chief officer 15555
of the fair, festival, or event where the ride is operating 15556
requests a reinspection, or if the reinspection is required by 15557
division (F) of section 1711.55 of the Revised Code. 15558

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

Sec. 1711.532. Not later than November 1, 2019, and annually thereafter, the director of agriculture shall submit a detailed financial report to the speaker of the house of representatives and to the president of the senate that includes all of the following information:

(A) The revenue from fees collected under section 1711.53 of the Revised Code and any other revenue collected for the amusement ride safety program during the twelve months immediately preceding the report's submission; 15591
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(B) Expenses relating to the operation of the department of agriculture's amusement ride safety program established under sections 1711.50 to 1711.57 of the Revised Code during the twelve months immediately preceding the report's submission; 15595
15596
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(C) Any proposed changes to the fee schedule established under section 1711.53 of the Revised Code that the director determines are necessary for purposes of issuing amusement ride permits and conducting amusement ride inspections and reinspections; 15599
15600
15601
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(D) The amount expended from any appropriations made for the department of agriculture's amusement ride safety program during the twelve months immediately preceding the report's submission; 15604
15605
15606

(E) Any additional revenue that the director determines is necessary to meet the expenses of the amusement ride safety program during the twelve months immediately following the submission of the report; 15607
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15610

(F) Any other information that the director determines is necessary to include in the report. 15611
15612

Sec. 1724.05. Each community improvement corporation shall 15613
prepare an annual financial report that conforms to rules 15614
prescribed by the auditor of state pursuant to section 117.20 of 15615
the Revised Code, that is prepared according to generally accepted 15616
accounting principles, and that is certified by the board of 15617
directors of the corporation or its treasurer or other chief 15618
fiscal officer to the best knowledge and belief of those persons 15619
certifying the report. The financial report shall be filed with 15620

the auditor of state within one hundred twenty days following the 15621
last day of the corporation's fiscal year, unless the auditor of 15622
state extends that deadline. The auditor of state may establish 15623
terms and conditions for granting any extension of that deadline. 15624
The financial report shall be published on the corporation's web 15625
site, or if the corporation does not have a web site, on the web 15626
site of the county in which the corporation is located. 15627

Each community improvement corporation shall submit to audits 15628
by the auditor of state, the scope and frequency of which shall be 15629
in accordance with section 117.11 of the Revised Code as if the 15630
corporation were a public office subject to that section. However, 15631
a community improvement corporation may request in accordance with 15632
section ~~115.56~~ 117.115 of the Revised Code, as if the corporation 15633
were a public office subject to that section, the performance of 15634
any of those audits by an independent certified public accountant 15635
or firm of certified public accountants. 15636

The auditor of state is authorized to receive and file the 15637
annual financial reports required by this section and the reports 15638
of all audits performed in accordance with this section. The 15639
auditor of state shall analyze those annual financial reports and 15640
the reports of those audits to determine whether the activities of 15641
a community improvement corporation involved are in accordance 15642
with this chapter. 15643

Sec. 1726.11. Each development corporation incorporated under 15644
this chapter shall prepare an annual financial report that 15645
conforms to rules prescribed by the auditor of state pursuant to 15646
section 117.20 of the Revised Code, that is prepared according to 15647
generally accepted accounting principles, and that is certified by 15648
the board of trustees of the corporation or its treasurer or other 15649
chief fiscal officer. The financial report shall be filed with the 15650
auditor of state within one hundred twenty days following the last 15651

day of the corporation's fiscal year, unless the auditor of state 15652
extends that deadline. The auditor of state may establish terms 15653
and conditions for granting any extension of that deadline. 15654

Each development corporation shall submit to audits by the 15655
auditor of state, the scope and frequency of which shall be in 15656
accordance with section 117.11 of the Revised Code as if the 15657
corporation were a public office subject to that section. However, 15658
a development corporation may request in accordance with section 15659
~~115.56~~ 117.115 of the Revised Code, as if the corporation were a 15660
public office subject to that section, the performance of any of 15661
those audits by an independent certified public accountant. 15662

The auditor of state is authorized to receive and file the 15663
annual financial reports required by this section and the reports 15664
of all audits performed in accordance with this section. The 15665
auditor of state shall analyze those annual financial reports and 15666
the reports of those audits to determine whether the activities of 15667
the development corporation involved are in accordance with this 15668
chapter. 15669

Sec. 1739.05. (A) A multiple employer welfare arrangement 15670
that is created pursuant to sections 1739.01 to 1739.22 of the 15671
Revised Code and that operates a group self-insurance program may 15672
be established only if any of the following applies: 15673

(1) The arrangement has and maintains a minimum enrollment of 15674
three hundred employees of two or more employers. 15675

(2) The arrangement has and maintains a minimum enrollment of 15676
three hundred self-employed individuals. 15677

(3) The arrangement has and maintains a minimum enrollment of 15678
three hundred employees or self-employed individuals in any 15679
combination of divisions (A)(1) and (2) of this section. 15680

(B) A multiple employer welfare arrangement that is created 15681

pursuant to sections 1739.01 to 1739.22 of the Revised Code and 15682
that operates a group self-insurance program shall comply with all 15683
laws applicable to self-funded programs in this state, including 15684
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 15685
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 15686
3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 15687
3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 15688
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 15689
3924.27 of the Revised Code. 15690

(C) A multiple employer welfare arrangement created pursuant 15691
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 15692
enrollments only through agents or solicitors licensed pursuant to 15693
Chapter 3905. of the Revised Code to sell or solicit sickness and 15694
accident insurance. 15695

(D) A multiple employer welfare arrangement created pursuant 15696
to sections 1739.01 to 1739.22 of the Revised Code shall provide 15697
benefits only to individuals who are members, employees of 15698
members, or the dependents of members or employees, or are 15699
eligible for continuation of coverage under section 1751.53 or 15700
3923.38 of the Revised Code or under Title X of the "Consolidated 15701
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 15702
U.S.C.A. 1161, as amended. 15703

(E) A multiple employer welfare arrangement created pursuant 15704
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 15705
and shall comply with, sections 3903.81 to 3903.93 of the Revised 15706
Code in the same manner as other life or health insurers, as 15707
defined in section 3903.81 of the Revised Code. 15708

Sec. 1751.77. As used in sections 1751.77 to 1751.87 of the 15709
Revised Code, unless otherwise specifically provided or as 15710
otherwise required pursuant to applicable federal law or 15711
regulations: 15712

(A) "Adverse determination" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service does not meet the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement, and coverage is therefore denied, reduced, or terminated.

(B) "Ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.

(C) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of an enrollee with respect to health care decisions.

(D) "Case management" means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted, or other specified health conditions.

(E) "Certification" means a determination by a health insuring corporation or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service has been reviewed and, based upon the information provided, the health care service satisfies the requirements for benefit payment under the health insuring corporation's policy, contract, or agreement.

(F) "Clinical peer" means a physician when an evaluation is to be made of the clinical appropriateness of health care services provided by a physician. If an evaluation is to be made of the clinical appropriateness of health care services provided by a provider who is not a physician, "clinical peer" means either a physician or a provider holding the same license as the provider who provided the health care services.

(G) "Clinical review criteria" means the written screening

procedures, decision abstracts, clinical protocols, and practice 15744
guidelines used by a health insuring corporation to determine the 15745
necessity and appropriateness of health care services. 15746

(H) "Concurrent review" means utilization review conducted 15747
during a patient's hospital stay or course of treatment. 15748

(I) "Discharge planning" means the formal process for 15749
determining, prior to a patient's discharge from a health care 15750
facility, the coordination and management of the care that the 15751
patient is to receive following discharge from a health care 15752
facility. 15753

(J) "Participating provider" means a provider or health care 15754
facility that, under a contract with a health insuring corporation 15755
or with its contractor or subcontractor, has agreed to provide 15756
health care services to enrollees with an expectation of receiving 15757
payment, other than coinsurance, copayments, or deductibles, 15758
directly or indirectly from the health insuring corporation. 15759

(K) "Physician" means a provider who holds a ~~certificate~~ 15760
license issued under Chapter 4731. of the Revised Code authorizing 15761
the practice of medicine and surgery or osteopathic medicine and 15762
surgery or a comparable license ~~or certificate~~ from another state. 15763

(L) "Prospective review" means utilization review that is 15764
conducted prior to an admission or a course of treatment. 15765

(M) "Retrospective review" means utilization review of 15766
medical necessity that is conducted after health care services 15767
have been provided to a patient. "Retrospective review" does not 15768
include the review of a claim that is limited to an evaluation of 15769
reimbursement levels, veracity of documentation, accuracy of 15770
coding, or adjudication of payment. 15771

(N) "Second opinion" means an opportunity or requirement to 15772
obtain a clinical evaluation by a provider other than the provider 15773
originally making a recommendation for proposed health care 15774

services to assess the clinical necessity and appropriateness of 15775
the proposed health care services. 15776

(O) "Utilization review" means a process used to monitor the 15777
use of, or evaluate the clinical necessity, appropriateness, 15778
efficacy, or efficiency of, health care services, procedures, or 15779
settings. Areas of review may include ambulatory review, 15780
prospective review, second opinion, certification, concurrent 15781
review, case management, discharge planning, or retrospective 15782
review. 15783

(P) "Utilization review organization" means an entity that 15784
conducts utilization review, other than a health insuring 15785
corporation performing a review of its own health care plans. 15786

Sec. 1751.92. Each health insuring corporation shall comply 15787
with the requirements of section 3959.20 of the Revised Code as 15788
they pertain to health plan issuers. 15789

As used in this section, "health plan issuer" has the same 15790
meaning as in section 3922.01 of the Revised Code. 15791

Sec. 1901.123. (A)(1) Subject to reimbursement under division 15792
(B) of this section, the treasurer of the county in which a 15793
county-operated municipal court or other municipal court is 15794
located shall pay the per diem compensation to which an acting 15795
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 15796
of section 1901.121 of the Revised Code is entitled pursuant to 15797
division (A)(1) of section 1901.122 of the Revised Code. 15798

(2) Subject to reimbursement under division ~~(B)~~(C) of this 15799
section, the ~~treasurer of the county in which a county-operated~~ 15800
~~municipal court or other municipal court is located~~ supreme court 15801
shall pay the per diem compensation to which an assigned judge 15802
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 15803
or (D) of section 1901.121 of the Revised Code is entitled 15804

pursuant to division (B) of section 1901.122 of the Revised Code. 15805

(B) The treasurer of a county that, pursuant to division 15806
(A)(1) of this section, is required to pay any compensation to 15807
which an acting judge ~~or assigned judge~~ is entitled under division 15808
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 15809
to the administrative director of the supreme court quarterly 15810
requests for reimbursements of the per diem amounts so paid. The 15811
requests shall include verifications of the payment of those 15812
amounts and an affidavit from the acting judge ~~or assigned judge~~ 15813
stating the days and hours worked. The administrative director 15814
shall cause reimbursements of those amounts to be issued to the 15815
county if the administrative director verifies that those amounts 15816
were, in fact, so paid. 15817

(C) The supreme court, pursuant to division (A)(2) of this 15818
section, is required to pay any compensation to which an assigned 15819
judge is entitled under division (A)(5) or (6) of section 141.04 15820
of the Revised Code. Annually, on the first day of August, the 15821
administrative director of the supreme court shall issue a billing 15822
to the county treasurer of any county to which such a judge was 15823
assigned to a municipal court for reimbursement of the county or 15824
local portion of the compensation previously paid by the state for 15825
the twelve-month period preceding the last day of June. The county 15826
or local portion of the compensation shall be that part of each 15827
per diem paid by the state which is proportional to the county or 15828
local shares of the total compensation of a resident judge of such 15829
court. The county treasurer shall forward the payment within 15830
thirty days. After forwarding the payment, the county treasurer 15831
shall seek reimbursement from the applicable local municipalities 15832
as appropriate. 15833

Sec. 1901.26. (A) Subject to division (E) of this section, 15834
costs in a municipal court shall be fixed and taxed as follows: 15835

(1)(a) The municipal court shall require an advance deposit 15836
for the filing of any new civil action or proceeding when required 15837
by division (C) of this section, subject to its waiver pursuant to 15838
that division, and in all other cases, by rule, shall establish a 15839
schedule of fees and costs to be taxed in any civil or criminal 15840
action or proceeding. 15841

(b)(i) The legislative authority of a municipal corporation 15842
may by ordinance establish a schedule of fees to be taxed as costs 15843
in any civil, criminal, or traffic action or proceeding in a 15844
municipal court for the performance by officers or other employees 15845
of the municipal corporation's police department or marshal's 15846
office of any of the services specified in sections 311.17 and 15847
509.15 of the Revised Code. No fee in the schedule shall be higher 15848
than the fee specified in section 311.17 of the Revised Code for 15849
the performance of the same service by the sheriff. If a fee 15850
established in the schedule conflicts with a fee for the same 15851
service established in another section of the Revised Code or a 15852
rule of court, the fee established in the other section of the 15853
Revised Code or the rule of court shall apply. 15854

(ii) When an officer or employee of a municipal police 15855
department or marshal's office performs in a civil, criminal, or 15856
traffic action or proceeding in a municipal court a service 15857
specified in section 311.17 or 509.15 of the Revised Code for 15858
which a taxable fee has been established under this or any other 15859
section of the Revised Code, the applicable legal fees and any 15860
other extraordinary expenses, including overtime, provided for the 15861
service shall be taxed as costs in the case. The clerk of the 15862
court shall pay those legal fees and other expenses, when 15863
collected, into the general fund of the municipal corporation that 15864
employs the officer or employee. 15865

(iii) If a bailiff of a municipal court performs in a civil, 15866
criminal, or traffic action or proceeding in that court a service 15867

specified in section 311.17 or 509.15 of the Revised Code for 15868
which a taxable fee has been established under this section or any 15869
other section of the Revised Code, the fee for the service is the 15870
same and is taxable to the same extent as if the service had been 15871
performed by an officer or employee of the police department or 15872
marshal's office of the municipal corporation in which the court 15873
is located. The clerk of that court shall pay the fee, when 15874
collected, into the general fund of the entity or entities that 15875
fund the bailiff's salary, in the same prorated amount as the 15876
salary is funded. 15877

(iv) Division (A)(1)(b) of this section does not authorize or 15878
require any officer or employee of a police department or 15879
marshal's office of a municipal corporation or any bailiff of a 15880
municipal court to perform any service not otherwise authorized by 15881
law. 15882

(2) The municipal court, by rule, may require an advance 15883
deposit for the filing of any civil action or proceeding and 15884
publication fees as provided in section 2701.09 of the Revised 15885
Code. The court shall waive the requirement for advance deposit 15886
for a party that the court determines qualifies as an indigent 15887
litigant as set forth in section 2323.311 of the Revised Code. 15888

(3) When a jury trial is demanded in any civil action or 15889
proceeding, the party making the demand may be required to make an 15890
advance deposit as fixed by rule of court, unless the court 15891
determines that the party qualifies as an indigent litigant as set 15892
forth in section 2323.311 of the Revised Code. If a jury is 15893
called, the fees of a jury shall be taxed as costs. 15894

(4) In any civil or criminal action or proceeding, each 15895
witness shall receive twelve dollars for each full day's 15896
attendance and six dollars for each half day's attendance. Each 15897
witness in a municipal court that is not a county-operated 15898
municipal court also shall receive fifty and one-half cents for 15899

each mile necessarily traveled to and from the witness's place of residence to the action or proceeding. 15900
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(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court. 15902
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(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid. 15907
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(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party. 15914
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(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as provided by section 7.13 of the Revised Code. 15918
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(B)(1)(a) The municipal court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to 15921
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all other court costs, on the filing of each criminal cause, civil 15931
action or proceeding, or judgment by confession. 15932

(b) If the municipal court offers a special program or 15933
service in cases of a specific type, the municipal court by rule 15934
may assess an additional charge in a case of that type, over and 15935
above court costs, to cover the special program or service. The 15936
municipal court shall adjust the special assessment periodically, 15937
but not retroactively, so that the amount assessed in those cases 15938
does not exceed the actual cost of providing the service or 15939
program. 15940

(c) Any fee or charge assessed under division (B)(1)(a) or 15941
(b) of this section on the filing of a civil action or proceeding 15942
shall be waived if the court determines that the person on whom 15943
the fee or charge is assessed qualifies as an indigent litigant as 15944
set forth in section 2323.311 of the Revised Code. 15945

(d) All moneys collected under division (B) of this section 15946
shall be paid to the county treasurer if the court is a 15947
county-operated municipal court or to the city treasurer if the 15948
court is not a county-operated municipal court for deposit into 15949
either a general special projects fund or a fund established for a 15950
specific special project. Moneys from a fund of that nature shall 15951
be disbursed upon an order of the court in an amount no greater 15952
than the actual cost to the court of a project. If a specific fund 15953
is terminated because of the discontinuance of a program or 15954
service established under division (B) of this section, the 15955
municipal court may order that moneys remaining in the fund be 15956
transferred to an account established under this division for a 15957
similar purpose. 15958

(2) As used in division (B) of this section: 15959

(a) "Criminal cause" means a charge alleging the violation of 15960
a statute or ordinance, or subsection of a statute or ordinance, 15961

that requires a separate finding of fact or a separate plea before 15962
disposition and of which the defendant may be found guilty, 15963
whether filed as part of a multiple charge on a single summons, 15964
citation, or complaint or as a separate charge on a single 15965
summons, citation, or complaint. "Criminal cause" does not include 15966
separate violations of the same statute or ordinance, or 15967
subsection of the same statute or ordinance, unless each charge is 15968
filed on a separate summons, citation, or complaint. 15969

(b) "Civil action or proceeding" means any civil litigation 15970
that must be determined by judgment entry. 15971

(C) The municipal court shall collect in all its divisions 15972
except the small claims division the sum of twenty-six dollars as 15973
additional filing fees in each new civil action or proceeding for 15974
the charitable public purpose of providing financial assistance to 15975
legal aid societies that operate within the state and to support 15976
the office of the state public defender. The municipal court shall 15977
collect in its small claims division the sum of eleven dollars as 15978
additional filing fees in each new civil action or proceeding for 15979
the charitable public purpose of providing financial assistance to 15980
legal aid societies that operate within the state and to support 15981
the office of the state public defender. This division does not 15982
apply to any execution on a judgment, proceeding in aid of 15983
execution, or other post-judgment proceeding arising out of a 15984
civil action. The filing fees required to be collected under this 15985
division shall be in addition to any other court costs imposed in 15986
the action or proceeding and shall be collected at the time of the 15987
filing of the action or proceeding. The court shall not waive the 15988
payment of the additional filing fees in a new civil action or 15989
proceeding unless the court waives the advanced payment of all 15990
filing fees in the action or proceeding for the party that the 15991
court determines is qualified as an indigent litigant as set forth 15992
in section 2323.311 of the Revised Code. All such moneys collected 15993

during a month except for an amount equal to up to one per cent of 15994
those moneys retained to cover administrative costs shall be 15995
transmitted on or before the twentieth day of the following month 15996
by the clerk of the court to the treasurer of state in a manner 15997
prescribed by the treasurer of state or by the Ohio ~~legal~~ 15998
~~assistance~~ access to justice foundation. The treasurer of state 15999
shall deposit four per cent of the funds collected under this 16000
division to the credit of the civil case filing fee fund 16001
established under section 120.07 of the Revised Code and 16002
ninety-six per cent of the funds collected under this division to 16003
the credit of the legal aid fund established under section 120.52 16004
of the Revised Code. 16005

The court may retain up to one per cent of the moneys it 16006
collects under this division to cover administrative costs, 16007
including the hiring of any additional personnel necessary to 16008
implement this division. If the court fails to transmit to the 16009
treasurer of state the moneys the court collects under this 16010
division in a manner prescribed by the treasurer of state or by 16011
the Ohio ~~legal assistance~~ access to justice foundation, the court 16012
shall forfeit the moneys the court retains under this division to 16013
cover administrative costs, including the hiring of any additional 16014
personnel necessary to implement this division, and shall transmit 16015
to the treasurer of state all moneys collected under this 16016
division, including the forfeited amount retained for 16017
administrative costs, for deposit in the legal aid fund. 16018

(D) In the Cleveland municipal court, reasonable charges for 16019
investigating titles of real estate to be sold or disposed of 16020
under any writ or process of the court may be taxed as part of the 16021
costs. 16022

(E) Under the circumstances described in sections 2969.21 to 16023
2969.27 of the Revised Code, the clerk of the municipal court 16024
shall charge the fees and perform the other duties specified in 16025

those sections. 16026

(F) As used in this section: 16027

(1) "Full day's attendance" means a day on which a witness is 16028
required or requested to be present at an action or proceeding 16029
before and after twelve noon, regardless of whether the witness 16030
actually testifies. 16031

(2) "Half day's attendance" means a day on which a witness is 16032
required or requested to be present at an action or proceeding 16033
either before or after twelve noon, but not both, regardless of 16034
whether the witness actually testifies. 16035

Sec. 1907.143. (A)(1) Subject to reimbursement under division 16036
(B) of this section, the treasurer of the county in which a county 16037
court is located shall pay the per diem compensation to which an 16038
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 16039
(C)(1) of section 1907.141 of the Revised Code is entitled 16040
pursuant to division (A) of section 1907.142 of the Revised Code. 16041
16042

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16043
section, the ~~treasurer of the county in which a county court is~~ 16044
~~located~~ supreme court shall pay the per diem compensation to which 16045
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 16046
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 16047
entitled pursuant to division (B) of section 1907.142 of the 16048
Revised Code. 16049

(B) The treasurer of a county that, pursuant to division 16050
(A)(1) of this section, is required to pay any compensation to 16051
which an acting judge ~~or assigned judge~~ is entitled under division 16052
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16053
to the administrative director of the supreme court quarterly 16054
requests for reimbursements of the per diem amounts so paid. The 16055

requests shall include verifications of the payment of those 16056
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16057
stating the days and hours worked. The administrative director 16058
shall cause reimbursements of those amounts to be issued to the 16059
county if the administrative director verifies that those amounts 16060
were, in fact, so paid. 16061

(C) The supreme court, pursuant to division (A)(2) of this 16062
section, is required to pay any compensation to which an assigned 16063
judge is entitled under division (A)(5) or (6) of section 141.04 16064
of the Revised Code. Annually, on the first day of August, the 16065
administrative director of the supreme court shall issue a billing 16066
to the county treasurer of any county to which such a judge was 16067
assigned to a county court for reimbursement of the county portion 16068
of the compensation previously paid by the state for the 16069
twelve-month period preceding the last day of June. The county 16070
portion of the compensation shall be that part of each per diem 16071
paid by the state which is proportional to the county shares of 16072
the total compensation of a resident judge of such court. The 16073
county treasurer shall forward the payment within thirty days. 16074
After forwarding the payment, the county treasurer shall seek 16075
reimbursement from the applicable local municipalities as 16076
appropriate. 16077

Sec. 1907.24. (A) Subject to division (C) of this section, a 16078
county court shall fix and tax fees and costs as follows: 16079

(1) The county court shall require an advance deposit for the 16080
filing of any new civil action or proceeding when required by 16081
division (C) of this section, subject to its waiver pursuant to 16082
that division, and, in all other cases, shall establish a schedule 16083
of fees and costs to be taxed in any civil or criminal action or 16084
proceeding. 16085

(2) The county court by rule may require an advance deposit 16086

for the filing of a civil action or proceeding and publication 16087
fees as provided in section 2701.09 of the Revised Code. The court 16088
shall waive an advance deposit requirement for a party that the 16089
court determines qualifies as an indigent litigant as set forth in 16090
section 2323.311 of the Revised Code. 16091

(3) When a party demands a jury trial in a civil action or 16092
proceeding, the county court may require the party to make an 16093
advance deposit as fixed by rule of court, unless the court 16094
determines that the party qualifies as an indigent litigant as set 16095
forth in section 2323.311 of the Revised Code. If a jury is 16096
called, the county court shall tax the fees of a jury as costs. 16097

(4) In a civil or criminal action or proceeding, the county 16098
court shall fix the fees of witnesses in accordance with sections 16099
2335.06 and 2335.08 of the Revised Code. 16100

(5) A county court may tax as part of the costs in a trial of 16101
the cause, in an amount fixed by rule of court, a reasonable 16102
charge for driving, towing, carting, storing, keeping, and 16103
preserving motor vehicles and other personal property recovered or 16104
seized in a proceeding. 16105

(6) The court shall preserve chattel property seized under a 16106
writ or process issued by the court pending final disposition for 16107
the benefit of all interested persons. The court may place the 16108
chattel property in storage when necessary or proper for its 16109
preservation. The custodian of chattel property so stored shall 16110
not be required to part with the possession of the property until 16111
a reasonable charge, to be fixed by the court, is paid. 16112

(7) The county court, as it determines, may refund all 16113
deposits and advance payments of fees and costs, including those 16114
for jurors and summoning jurors, when they have been paid by the 16115
losing party. 16116

(8) The court may tax as part of costs charges for the 16117

publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code. 16118
16119

(B)(1)(a) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession. 16120
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(b) If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program. 16132
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(c) Any fee or charge assessed under division (B)(1)(a) or (b) of this section on the filing of a civil action or proceeding shall be waived if the court determines that the person on whom the fee or charge is assessed qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. 16139
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(d) All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is 16144
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terminated because of the discontinuance of a program or service 16150
established under division (B) of this section, the county court 16151
may order that moneys remaining in the fund be transferred to an 16152
account established under this division for a similar purpose. 16153

(2) As used in division (B) of this section: 16154

(a) "Criminal cause" means a charge alleging the violation of 16155
a statute or ordinance, or subsection of a statute or ordinance, 16156
that requires a separate finding of fact or a separate plea before 16157
disposition and of which the defendant may be found guilty, 16158
whether filed as part of a multiple charge on a single summons, 16159
citation, or complaint or as a separate charge on a single 16160
summons, citation, or complaint. "Criminal cause" does not include 16161
separate violations of the same statute or ordinance, or 16162
subsection of the same statute or ordinance, unless each charge is 16163
filed on a separate summons, citation, or complaint. 16164

(b) "Civil action or proceeding" means any civil litigation 16165
that must be determined by judgment entry. 16166

(C) Subject to division (E) of this section, the county court 16167
shall collect in all its divisions except the small claims 16168
division the sum of twenty-six dollars as additional filing fees 16169
in each new civil action or proceeding for the charitable public 16170
purpose of providing financial assistance to legal aid societies 16171
that operate within the state and to support the office of the 16172
state public defender. Subject to division (E) of this section, 16173
the county court shall collect in its small claims division the 16174
sum of eleven dollars as additional filing fees in each new civil 16175
action or proceeding for the charitable public purpose of 16176
providing financial assistance to legal aid societies that operate 16177
within the state and to support the office of the state public 16178
defender. This division does not apply to any execution on a 16179
judgment, proceeding in aid of execution, or other post-judgment 16180
proceeding arising out of a civil action. The filing fees required 16181

to be collected under this division shall be in addition to any 16182
other court costs imposed in the action or proceeding and shall be 16183
collected at the time of the filing of the action or proceeding. 16184
The court shall not waive the payment of the additional filing 16185
fees in a new civil action or proceeding unless the court waives 16186
the advanced payment of all filing fees in the action or 16187
proceeding for the party that the court determines is qualified as 16188
an indigent litigant as set forth in section 2323.311 of the 16189
Revised Code. All such moneys collected during a month except for 16190
an amount equal to up to one per cent of those moneys retained to 16191
cover administrative costs shall be transmitted on or before the 16192
twentieth day of the following month by the clerk of the court to 16193
the treasurer of state in a manner prescribed by the treasurer of 16194
state or by the Ohio ~~legal assistance~~ access to justice 16195
foundation. The treasurer of state shall deposit four per cent of 16196
the funds collected under this division to the credit of the civil 16197
case filing fee fund established under section 120.07 of the 16198
Revised Code and ninety-six per cent of the funds collected under 16199
this division to the credit of the legal aid fund established 16200
under section 120.52 of the Revised Code. 16201

The court may retain up to one per cent of the moneys it 16202
collects under this division to cover administrative costs, 16203
including the hiring of any additional personnel necessary to 16204
implement this division. If the court fails to transmit to the 16205
treasurer of state the moneys the court collects under this 16206
division in a manner prescribed by the treasurer of state or by 16207
the Ohio ~~legal assistance~~ access to justice foundation, the court 16208
shall forfeit the moneys the court retains under this division to 16209
cover administrative costs, including the hiring of any additional 16210
personnel necessary to implement this division, and shall transmit 16211
to the treasurer of state all moneys collected under this 16212
division, including the forfeited amount retained for 16213
administrative costs, for deposit in the legal aid fund. 16214

(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections.

Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(2) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;

(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the

Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;

(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not

ancillary to an action for divorce, dissolution of marriage,	16276
annulment, or legal separation, a criminal or civil action	16277
involving an allegation of domestic violence, or an action for	16278
support brought under Chapter 3115. of the Revised Code;	16279
(12) Concerning an action commenced under section 121.38 of	16280
the Revised Code;	16281
(13) To hear and determine violations of section 3321.38 of	16282
the Revised Code;	16283
(14) To exercise jurisdiction and authority over the parent,	16284
guardian, or other person having care of a child alleged to be a	16285
delinquent child, unruly child, or juvenile traffic offender,	16286
based on and in relation to the allegation pertaining to the	16287
child;	16288
(15) To conduct the hearings, and to make the determinations,	16289
adjudications, and orders authorized or required under sections	16290
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding	16291
a child who has been adjudicated a delinquent child and to refer	16292
the duties conferred upon the juvenile court judge under sections	16293
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to	16294
magistrates appointed by the juvenile court judge in accordance	16295
with Juvenile Rule 40;	16296
(16) To hear and determine a petition for a protection order	16297
against a child under section 2151.34 or 3113.31 of the Revised	16298
Code and to enforce a protection order issued or a consent	16299
agreement approved under either section against a child until a	16300
date certain but not later than the date the child attains	16301
nineteen years of age;	16302
<u>(17) Concerning emancipated young adults under sections</u>	16303
<u>2151.45 to 2151.455 of the Revised Code.</u>	16304
(B) Except as provided in divisions (G) and (I) of section	16305
2301.03 of the Revised Code, the juvenile court has original	16306

jurisdiction under the Revised Code:	16307
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	16308 16309 16310 16311
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	16312 16313 16314
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	16315 16316
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	16317 16318 16319
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	16320 16321
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	16322 16323
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	16324 16325 16326
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	16327 16328 16329
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	16330 16331 16332 16333
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine,	16334 16335 16336

and make a record of any action for divorce or legal separation 16337
that involves the custody or care of children and that is filed in 16338
the court of common pleas and certified by the court of common 16339
pleas with all the papers filed in the action to the juvenile 16340
court for trial, provided that no certification of that nature 16341
shall be made to any juvenile court unless the consent of the 16342
juvenile judge first is obtained. After a certification of that 16343
nature is made and consent is obtained, the juvenile court shall 16344
proceed as if the action originally had been begun in that court, 16345
except as to awards for spousal support or support due and unpaid 16346
at the time of certification, over which the juvenile court has no 16347
jurisdiction. 16348

(D) The juvenile court, except as provided in divisions (G) 16349
and (I) of section 2301.03 of the Revised Code, has jurisdiction 16350
to hear and determine all matters as to custody and support of 16351
children duly certified by the court of common pleas to the 16352
juvenile court after a divorce decree has been granted, including 16353
jurisdiction to modify the judgment and decree of the court of 16354
common pleas as the same relate to the custody and support of 16355
children. 16356

(E) The juvenile court, except as provided in divisions (G) 16357
and (I) of section 2301.03 of the Revised Code, has jurisdiction 16358
to hear and determine the case of any child certified to the court 16359
by any court of competent jurisdiction if the child comes within 16360
the jurisdiction of the juvenile court as defined by this section. 16361

(F)(1) The juvenile court shall exercise its jurisdiction in 16362
child custody matters in accordance with sections 3109.04 and 16363
3127.01 to 3127.53 of the Revised Code and, as applicable, 16364
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 16365
Code. 16366

(2) The juvenile court shall exercise its jurisdiction in 16367
child support matters in accordance with section 3109.05 of the 16368

Revised Code. 16369

(G) Any juvenile court that makes or modifies an order for 16370
child support shall comply with Chapters 3119., 3121., 3123., and 16371
3125. of the Revised Code. If any person required to pay child 16372
support under an order made by a juvenile court on or after April 16373
15, 1985, or modified on or after December 1, 1986, is found in 16374
contempt of court for failure to make support payments under the 16375
order, the court that makes the finding, in addition to any other 16376
penalty or remedy imposed, shall assess all court costs arising 16377
out of the contempt proceeding against the person and require the 16378
person to pay any reasonable attorney's fees of any adverse party, 16379
as determined by the court, that arose in relation to the act of 16380
contempt. 16381

(H) If a child who is charged with an act that would be an 16382
offense if committed by an adult was fourteen years of age or 16383
older and under eighteen years of age at the time of the alleged 16384
act and if the case is transferred for criminal prosecution 16385
pursuant to section 2152.12 of the Revised Code, except as 16386
provided in section 2152.121 of the Revised Code, the juvenile 16387
court does not have jurisdiction to hear or determine the case 16388
subsequent to the transfer. The court to which the case is 16389
transferred for criminal prosecution pursuant to that section has 16390
jurisdiction subsequent to the transfer to hear and determine the 16391
case in the same manner as if the case originally had been 16392
commenced in that court, subject to section 2152.121 of the 16393
Revised Code, including, but not limited to, jurisdiction to 16394
accept a plea of guilty or another plea authorized by Criminal 16395
Rule 11 or another section of the Revised Code and jurisdiction to 16396
accept a verdict and to enter a judgment of conviction pursuant to 16397
the Rules of Criminal Procedure against the child for the 16398
commission of the offense that was the basis of the transfer of 16399
the case for criminal prosecution, whether the conviction is for 16400

the same degree or a lesser degree of the offense charged, for the 16401
commission of a lesser-included offense, or for the commission of 16402
another offense that is different from the offense charged. 16403

(I) If a person under eighteen years of age allegedly commits 16404
an act that would be a felony if committed by an adult and if the 16405
person is not taken into custody or apprehended for that act until 16406
after the person attains twenty-one years of age, the juvenile 16407
court does not have jurisdiction to hear or determine any portion 16408
of the case charging the person with committing that act. In those 16409
circumstances, divisions (A) and (B) of section 2152.12 of the 16410
Revised Code do not apply regarding the act, and the case charging 16411
the person with committing the act shall be a criminal prosecution 16412
commenced and heard in the appropriate court having jurisdiction 16413
of the offense as if the person had been eighteen years of age or 16414
older when the person committed the act. All proceedings 16415
pertaining to the act shall be within the jurisdiction of the 16416
court having jurisdiction of the offense, and that court has all 16417
the authority and duties in the case that it has in other criminal 16418
cases in that court. 16419

(J) In exercising its exclusive original jurisdiction under 16420
division (A)(16) of this section with respect to any proceedings 16421
brought under section 2151.34 or 3113.31 of the Revised Code in 16422
which the respondent is a child, the juvenile court retains all 16423
dispositionary powers consistent with existing rules of juvenile 16424
procedure and may also exercise its discretion to adjudicate 16425
proceedings as provided in sections 2151.34 and 3113.31 of the 16426
Revised Code, including the issuance of protection orders or the 16427
approval of consent agreements under those sections. 16428

Sec. 2151.353. (A) If a child is adjudicated an abused, 16429
neglected, or dependent child, the court may make any of the 16430
following orders of disposition: 16431

(1) Place the child in protective supervision;	16432
(2) Commit the child to the temporary custody of any of the following:	16433
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(a) A public children services agency;	16435
(b) A private child placing agency;	16436
(c) Either parent;	16437
(d) A relative residing within or outside the state;	16438
(e) A probation officer for placement in a certified foster home;	16439
	16440
(f) Any other person approved by the court.	16441
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	16442
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(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	16452
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	16454
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other	16455
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governing authority, successful completion of the curriculum of 16462
any high school, successful completion of an individualized 16463
education program developed for the student by any high school, or 16464
an age and schooling certificate. Responsibility beyond the age of 16465
majority shall terminate when the child ceases to continuously 16466
pursue such an education, completes such an education, or is 16467
excused from such an education under standards adopted by the 16468
state board of education, whichever occurs first. 16469

(c) That the parents of the child have residual parental 16470
rights, privileges, and responsibilities, including, but not 16471
limited to, the privilege of reasonable visitation, consent to 16472
adoption, the privilege to determine the child's religious 16473
affiliation, and the responsibility for support; 16474

(d) That the person understands that the person must be 16475
present in court for the dispositional hearing in order to affirm 16476
the person's intention to become legal custodian, to affirm that 16477
the person understands the effect of the custodianship before the 16478
court, and to answer any questions that the court or any parties 16479
to the case may have. 16480

(4) Commit the child to the permanent custody of a public 16481
children services agency or private child placing agency, if the 16482
court determines in accordance with division (E) of section 16483
2151.414 of the Revised Code that the child cannot be placed with 16484
one of the child's parents within a reasonable time or should not 16485
be placed with either parent and determines in accordance with 16486
division (D)(1) of section 2151.414 of the Revised Code that the 16487
permanent commitment is in the best interest of the child. If the 16488
court grants permanent custody under this division, the court, 16489
upon the request of any party, shall file a written opinion 16490
setting forth its findings of fact and conclusions of law in 16491
relation to the proceeding. 16492

(5) Place the child in a planned permanent living arrangement 16493

with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a

child in a planned permanent living arrangement pursuant to 16525
division (A)(5)(b) or (c) of this section, the court shall 16526
consider all relevant information that has been presented to the 16527
court, including information gathered from the child, the child's 16528
guardian ad litem, and the public children services agency or 16529
private child placing agency. 16530

(2) A child who is placed in a planned permanent living 16531
arrangement pursuant to division (A)(5)(b) or (c) of this section 16532
shall be placed in an independent living setting or in a family 16533
setting in which the caregiver has been provided by the agency 16534
that has custody of the child with a notice that addresses the 16535
following: 16536

(a) The caregiver understands that the planned permanent 16537
living arrangement is intended to be permanent in nature and that 16538
the caregiver will provide a stable placement for the child 16539
through the child's emancipation or until the court releases the 16540
child from the custody of the agency, whichever occurs first. 16541

(b) The caregiver is expected to actively participate in the 16542
youth's independent living case plan, attend agency team meetings 16543
and court hearings as appropriate, complete training, as provided 16544
in division (B) of section 5103.035 of the Revised Code, related 16545
to providing the child independent living services, and assist in 16546
the child's transition into adulthood. 16547

(3) The department of job and family services shall develop a 16548
model notice to be provided by an agency that has custody of a 16549
child to a caregiver under division (B)(2) of this section. The 16550
agency may modify the model notice to apply to the needs of the 16551
agency. 16552

(C) No order for permanent custody or temporary custody of a 16553
child or the placement of a child in a planned permanent living 16554
arrangement shall be made pursuant to this section unless the 16555

complaint alleging the abuse, neglect, or dependency contains a 16556
prayer requesting permanent custody, temporary custody, or the 16557
placement of the child in a planned permanent living arrangement 16558
as desired, the summons served on the parents of the child 16559
contains as is appropriate a full explanation that the granting of 16560
an order for permanent custody permanently divests them of their 16561
parental rights, a full explanation that an adjudication that the 16562
child is an abused, neglected, or dependent child may result in an 16563
order of temporary custody that will cause the removal of the 16564
child from their legal custody until the court terminates the 16565
order of temporary custody or permanently divests the parents of 16566
their parental rights, or a full explanation that the granting of 16567
an order for a planned permanent living arrangement will result in 16568
the removal of the child from their legal custody if any of the 16569
conditions listed in divisions (A)(5)(a) to (c) of this section 16570
are found to exist, and the summons served on the parents contains 16571
a full explanation of their right to be represented by counsel and 16572
to have counsel appointed pursuant to Chapter 120. of the Revised 16573
Code if they are indigent. 16574

If after making disposition as authorized by division (A)(2) 16575
of this section, a motion is filed that requests permanent custody 16576
of the child, the court may grant permanent custody of the child 16577
to the movant in accordance with section 2151.414 of the Revised 16578
Code. 16579

(D) If the court issues an order for protective supervision 16580
pursuant to division (A)(1) of this section, the court may place 16581
any reasonable restrictions upon the child, the child's parents, 16582
guardian, or custodian, or any other person, including, but not 16583
limited to, any of the following: 16584

(1) Order a party, within forty-eight hours after the 16585
issuance of the order, to vacate the child's home indefinitely or 16586
for a specified period of time; 16587

(2) Order a party, a parent of the child, or a physical 16588
custodian of the child to prevent any particular person from 16589
having contact with the child; 16590

(3) Issue an order restraining or otherwise controlling the 16591
conduct of any person which conduct would not be in the best 16592
interest of the child. 16593

(E) As part of its dispositional order, the court shall 16594
journalize a case plan for the child. The journalized case plan 16595
shall not be changed except as provided in section 2151.412 of the 16596
Revised Code. 16597

(F)(1) The court shall retain jurisdiction over any child for 16598
whom the court issues an order of disposition pursuant to division 16599
(A) of this section or pursuant to section 2151.414 or 2151.415 of 16600
the Revised Code until the child attains the age of eighteen years 16601
if the child is not mentally retarded, developmentally disabled, 16602
or physically impaired, the child attains the age of twenty-one 16603
years if the child is mentally retarded, developmentally disabled, 16604
or physically impaired, or the child is adopted and a final decree 16605
of adoption is issued, except that the court may retain 16606
jurisdiction over the child and continue any order of disposition 16607
under division (A) of this section or under section 2151.414 or 16608
2151.415 of the Revised Code for a specified period of time to 16609
enable the child to graduate from high school or vocational 16610
school. ~~The court shall retain jurisdiction over a person who 16611
meets the requirements described in division (A)(1) of section 16612
5101.1411 of the Revised Code and who is subject to a voluntary 16613
participation agreement that is in effect.~~ The court shall make an 16614
entry continuing its jurisdiction under this division in the 16615
journal. 16616

(2) Any public children services agency, any private child 16617
placing agency, the department of job and family services, or any 16618
party, other than any parent whose parental rights with respect to 16619

the child have been terminated pursuant to an order issued under 16620
division (A)(4) of this section, by filing a motion with the 16621
court, may at any time request the court to modify or terminate 16622
any order of disposition issued pursuant to division (A) of this 16623
section or section 2151.414 or 2151.415 of the Revised Code. The 16624
court shall hold a hearing upon the motion as if the hearing were 16625
the original dispositional hearing and shall give all parties to 16626
the action and the guardian ad litem notice of the hearing 16627
pursuant to the Juvenile Rules. If applicable, the court shall 16628
comply with section 2151.42 of the Revised Code. 16629

(G) Any temporary custody order issued pursuant to division 16630
(A) of this section shall terminate one year after the earlier of 16631
the date on which the complaint in the case was filed or the child 16632
was first placed into shelter care, except that, upon the filing 16633
of a motion pursuant to section 2151.415 of the Revised Code, the 16634
temporary custody order shall continue and not terminate until the 16635
court issues a dispositional order under that section. In 16636
resolving the motion, the court shall not order an existing 16637
temporary custody order to continue beyond two years after the 16638
date on which the complaint was filed or the child was first 16639
placed into shelter care, whichever date is earlier, regardless of 16640
whether any extensions have been previously ordered pursuant to 16641
division (D) of section 2151.415 of the Revised Code. 16642

(H)(1) No later than one year after the earlier of the date 16643
the complaint in the case was filed or the child was first placed 16644
in shelter care, a party may ask the court to extend an order for 16645
protective supervision for six months or to terminate the order. A 16646
party requesting extension or termination of the order shall file 16647
a written request for the extension or termination with the court 16648
and give notice of the proposed extension or termination in 16649
writing before the end of the day after the day of filing it to 16650
all parties and the child's guardian ad litem. If a public 16651

children services agency or private child placing agency requests 16652
termination of the order, the agency shall file a written status 16653
report setting out the facts supporting termination of the order 16654
at the time it files the request with the court. If no party 16655
requests extension or termination of the order, the court shall 16656
notify the parties that the court will extend the order for six 16657
months or terminate it and that it may do so without a hearing 16658
unless one of the parties requests a hearing. All parties and the 16659
guardian ad litem shall have seven days from the date a notice is 16660
sent pursuant to this division to object to and request a hearing 16661
on the proposed extension or termination. 16662

(a) If it receives a timely request for a hearing, the court 16663
shall schedule a hearing to be held no later than thirty days 16664
after the request is received by the court. The court shall give 16665
notice of the date, time, and location of the hearing to all 16666
parties and the guardian ad litem. At the hearing, the court shall 16667
determine whether extension or termination of the order is in the 16668
child's best interest. If termination is in the child's best 16669
interest, the court shall terminate the order. If extension is in 16670
the child's best interest, the court shall extend the order for 16671
six months. 16672

(b) If it does not receive a timely request for a hearing, 16673
the court may extend the order for six months or terminate it 16674
without a hearing and shall journalize the order of extension or 16675
termination not later than fourteen days after receiving the 16676
request for extension or termination or after the date the court 16677
notifies the parties that it will extend or terminate the order. 16678
If the court does not extend or terminate the order, it shall 16679
schedule a hearing to be held no later than thirty days after the 16680
expiration of the applicable fourteen-day time period and give 16681
notice of the date, time, and location of the hearing to all 16682
parties and the child's guardian ad litem. At the hearing, the 16683

court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the

hearing. 16714

(K) The jurisdiction of the court shall terminate one year 16715
after the date of the award or, if the court takes any further 16716
action in the matter subsequent to the award, the date of the 16717
latest further action subsequent to the award, if the court awards 16718
legal custody of a child to either of the following: 16719

(1) A legal custodian who, at the time of the award of legal 16720
custody, resides in a county of this state other than the county 16721
in which the court is located; 16722

(2) A legal custodian who resides in the county in which the 16723
court is located at the time of the award of legal custody, but 16724
moves to a different county of this state prior to one year after 16725
the date of the award or, if the court takes any further action in 16726
the matter subsequent to the award, one year after the date of the 16727
latest further action subsequent to the award. 16728

The court in the county in which the legal custodian resides 16729
then shall have jurisdiction in the matter. 16730

Sec. 2151.3516. A parent may voluntarily deliver his or her 16731
child who is not older than thirty days, without intent to return 16732
for the child, to ~~a~~ either of the following: 16733

(A) A person specified in section 2151.3517 of the Revised 16734
Code ~~or a~~ i 16735

(B) A newborn safety incubator ~~provided by an entity~~ 16736
~~described in that section~~ that meets the requirements of section 16737
2151.3532 of the Revised Code. 16738

Sec. 2151.3532. ~~Not later than one hundred eighty days after~~ 16739
~~the effective date of this section, the~~ (A) To take possession of 16740
a child delivered in accordance with sections 2151.3516 and 16741
2151.3517 of the Revised Code, a law enforcement agency, hospital, 16742

or emergency medical service organization may install a newborn safety incubator at a facility or location under the agency's, hospital's, or organization's control if all of the following are the case: 16743
16744
16745
16746

(1) A parent may deliver his or her child to the incubator in an anonymous manner and without having to enter the facility or location at which the incubator has been installed. 16747
16748
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(2) The facility or location posts signs on or near the incubator explaining its use and operation. 16750
16751

(3) The incubator locks after a child is placed inside so that a person outside the facility or location is unable to access the child. 16752
16753
16754

(4) The incubator provides a controlled environment for the care and protection of the child placed inside. 16755
16756

(5) The incubator notifies a centralized location in the facility or location at which it has been installed within thirty seconds of a child being placed inside the incubator. 16757
16758
16759

(6) The incubator triggers a 9-1-1 call if the facility or location does not respond within a reasonable amount of time after a child has been placed inside the incubator. 16760
16761
16762

(7) Only a peace officer, hospital employee, or emergency medical service worker supervises the incubator and takes possession of a child placed inside. 16763
16764
16765

(B) A law enforcement agency, hospital, or emergency medical service organization that installs a newborn safety incubator is not required to have one or more peace officers, hospital employees, or emergency medical service workers present at all times at the facility or location at which the incubator has been installed if both of the following are the case: 16766
16767
16768
16769
16770
16771

(1) An officer, employee, or worker can arrive at the 16772

facility or location within seven minutes of a child being placed 16773
inside the incubator. 16774

(2) The agency, hospital, or organization submits to the 16775
department of health a written statement confirming that an 16776
officer, employee, or worker can arrive at the facility or 16777
location within the seven-minute period. 16778

The department is prohibited from requiring the agency, 16779
hospital, or organization to submit anything other than the 16780
written statement described in division (B)(2) of this section as 16781
proof that an officer, employee, or worker can arrive at the 16782
facility or location within seven minutes of a child being placed 16783
inside the incubator. 16784

(C) The director of the department of health shall adopt 16785
rules in accordance with Chapter 119. of the Revised Code 16786
governing establishing standards and procedures for the use and 16787
operation of newborn safety incubators provided by entities 16788
described in section 2151.3517 of the Revised Code. The rules 16789
shall provide for address all of the following: 16790

(A)(1) Sanitation standards; 16791

(B)(2) Procedures to provide for providing emergency care for 16792
to a child delivered to an incubator; 16793

(C)(3) Manufacturing and manufacturer standards; 16794

(D) Design and function requirements that include the 16795
following: 16796

(1) Take (4) Procedures for installing an incubator, taking 16797
into account installation at a law enforcement agency, a hospital, 16798
or an emergency medical service organization; 16799

(2) Allow a child to be placed anonymously from outside the 16800
facility; 16801

(3) Lock the incubator after a child is placed in it so that 16802

professional capacity and knows, or has reasonable cause to 16832
suspect based on facts that would cause a reasonable person in a 16833
similar position to suspect, that a child under eighteen years of 16834
age, or a person under twenty-one years of age with a 16835
developmental disability or physical impairment, has suffered or 16836
faces a threat of suffering any physical or mental wound, injury, 16837
disability, or condition of a nature that reasonably indicates 16838
abuse or neglect of the child shall fail to immediately report 16839
that knowledge or reasonable cause to suspect to the entity or 16840
persons specified in this division. Except as otherwise provided 16841
in this division or section 5120.173 of the Revised Code, the 16842
person making the report shall make it to the public children 16843
services agency or a peace officer in the county in which the 16844
child resides or in which the abuse or neglect is occurring or has 16845
occurred. If the person making the report is a peace officer, the 16846
officer shall make it to the public children services agency in 16847
the county in which the child resides or in which the abuse or 16848
neglect is occurring or has occurred. In the circumstances 16849
described in section 5120.173 of the Revised Code, the person 16850
making the report shall make it to the entity specified in that 16851
section. 16852

(b) Division (A)(1)(a) of this section applies to any person 16853
who is an attorney; health care professional; practitioner of a 16854
limited branch of medicine as specified in section 4731.15 of the 16855
Revised Code; licensed school psychologist; independent marriage 16856
and family therapist or marriage and family therapist; coroner; 16857
administrator or employee of a child day-care center; 16858
administrator or employee of a residential camp, child day camp, 16859
or private, nonprofit therapeutic wilderness camp; administrator 16860
or employee of a certified child care agency or other public or 16861
private children services agency; school teacher; school employee; 16862
school authority; peace officer; agent of a county humane society; 16863

person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the

Revised Code, the attorney or physician could not testify with 16896
respect to that communication in a civil or criminal proceeding. 16897

(3) The client or patient in an attorney-client or 16898
physician-patient relationship described in division (A)(2) of 16899
this section is deemed to have waived any testimonial privilege 16900
under division (A) or (B) of section 2317.02 of the Revised Code 16901
with respect to any communication the attorney or physician 16902
receives from the client or patient in that attorney-client or 16903
physician-patient relationship, and the attorney or physician 16904
shall make a report pursuant to division (A)(1) of this section 16905
with respect to that communication, if all of the following apply: 16906

(a) The client or patient, at the time of the communication, 16907
is a child under eighteen years of age or is a person under 16908
twenty-one years of age with a developmental disability or 16909
physical impairment. 16910

(b) The attorney or physician knows, or has reasonable cause 16911
to suspect based on facts that would cause a reasonable person in 16912
similar position to suspect that the client or patient has 16913
suffered or faces a threat of suffering any physical or mental 16914
wound, injury, disability, or condition of a nature that 16915
reasonably indicates abuse or neglect of the client or patient. 16916

(c) The abuse or neglect does not arise out of the client's 16917
or patient's attempt to have an abortion without the notification 16918
of her parents, guardian, or custodian in accordance with section 16919
2151.85 of the Revised Code. 16920

(4)(a) No cleric and no person, other than a volunteer, 16921
designated by any church, religious society, or faith acting as a 16922
leader, official, or delegate on behalf of the church, religious 16923
society, or faith who is acting in an official or professional 16924
capacity, who knows, or has reasonable cause to believe based on 16925
facts that would cause a reasonable person in a similar position 16926

to believe, that a child under eighteen years of age, or a person 16927
under twenty-one years of age with a developmental disability or 16928
physical impairment, has suffered or faces a threat of suffering 16929
any physical or mental wound, injury, disability, or condition of 16930
a nature that reasonably indicates abuse or neglect of the child, 16931
and who knows, or has reasonable cause to believe based on facts 16932
that would cause a reasonable person in a similar position to 16933
believe, that another cleric or another person, other than a 16934
volunteer, designated by a church, religious society, or faith 16935
acting as a leader, official, or delegate on behalf of the church, 16936
religious society, or faith caused, or poses the threat of 16937
causing, the wound, injury, disability, or condition that 16938
reasonably indicates abuse or neglect shall fail to immediately 16939
report that knowledge or reasonable cause to believe to the entity 16940
or persons specified in this division. Except as provided in 16941
section 5120.173 of the Revised Code, the person making the report 16942
shall make it to the public children services agency or a peace 16943
officer in the county in which the child resides or in which the 16944
abuse or neglect is occurring or has occurred. In the 16945
circumstances described in section 5120.173 of the Revised Code, 16946
the person making the report shall make it to the entity specified 16947
in that section. 16948

(b) Except as provided in division (A)(4)(c) of this section, 16949
a cleric is not required to make a report pursuant to division 16950
(A)(4)(a) of this section concerning any communication the cleric 16951
receives from a penitent in a cleric-penitent relationship, if, in 16952
accordance with division (C) of section 2317.02 of the Revised 16953
Code, the cleric could not testify with respect to that 16954
communication in a civil or criminal proceeding. 16955

(c) The penitent in a cleric-penitent relationship described 16956
in division (A)(4)(b) of this section is deemed to have waived any 16957
testimonial privilege under division (C) of section 2317.02 of the 16958

Revised Code with respect to any communication the cleric receives 16959
from the penitent in that cleric-penitent relationship, and the 16960
cleric shall make a report pursuant to division (A)(4)(a) of this 16961
section with respect to that communication, if all of the 16962
following apply: 16963

(i) The penitent, at the time of the communication, is a 16964
child under eighteen years of age or is a person under twenty-one 16965
years of age with a developmental disability or physical 16966
impairment. 16967

(ii) The cleric knows, or has reasonable cause to believe 16968
based on facts that would cause a reasonable person in a similar 16969
position to believe, as a result of the communication or any 16970
observations made during that communication, the penitent has 16971
suffered or faces a threat of suffering any physical or mental 16972
wound, injury, disability, or condition of a nature that 16973
reasonably indicates abuse or neglect of the penitent. 16974

(iii) The abuse or neglect does not arise out of the 16975
penitent's attempt to have an abortion performed upon a child 16976
under eighteen years of age or upon a person under twenty-one 16977
years of age with a developmental disability or physical 16978
impairment without the notification of her parents, guardian, or 16979
custodian in accordance with section 2151.85 of the Revised Code. 16980

(d) Divisions (A)(4)(a) and (c) of this section do not apply 16981
in a cleric-penitent relationship when the disclosure of any 16982
communication the cleric receives from the penitent is in 16983
violation of the sacred trust. 16984

(e) As used in divisions (A)(1) and (4) of this section, 16985
"cleric" and "sacred trust" have the same meanings as in section 16986
2317.02 of the Revised Code. 16987

(B) Anyone who knows, or has reasonable cause to suspect 16988
based on facts that would cause a reasonable person in similar 16989

circumstances to suspect, that a child under eighteen years of 16990
age, or a person under twenty-one years of age with a 16991
developmental disability or physical impairment, has suffered or 16992
faces a threat of suffering any physical or mental wound, injury, 16993
disability, or other condition of a nature that reasonably 16994
indicates abuse or neglect of the child may report or cause 16995
reports to be made of that knowledge or reasonable cause to 16996
suspect to the entity or persons specified in this division. 16997
Except as provided in section 5120.173 of the Revised Code, a 16998
person making a report or causing a report to be made under this 16999
division shall make it or cause it to be made to the public 17000
children services agency or to a peace officer. In the 17001
circumstances described in section 5120.173 of the Revised Code, a 17002
person making a report or causing a report to be made under this 17003
division shall make it or cause it to be made to the entity 17004
specified in that section. 17005

(C) Any report made pursuant to division (A) or (B) of this 17006
section shall be made forthwith either by telephone or in person 17007
and shall be followed by a written report, if requested by the 17008
receiving agency or officer. The written report shall contain: 17009

(1) The names and addresses of the child and the child's 17010
parents or the person or persons having custody of the child, if 17011
known; 17012

(2) The child's age and the nature and extent of the child's 17013
injuries, abuse, or neglect that is known or reasonably suspected 17014
or believed, as applicable, to have occurred or of the threat of 17015
injury, abuse, or neglect that is known or reasonably suspected or 17016
believed, as applicable, to exist, including any evidence of 17017
previous injuries, abuse, or neglect; 17018

(3) Any other information, including, but not limited to, 17019
results and reports of any medical examinations, tests, or 17020
procedures performed under division (D) of this section, that 17021

might be helpful in establishing the cause of the injury, abuse, 17022
or neglect that is known or reasonably suspected or believed, as 17023
applicable, to have occurred or of the threat of injury, abuse, or 17024
neglect that is known or reasonably suspected or believed, as 17025
applicable, to exist. 17026

(D)(1) Any person, who is required by division (A) of this 17027
section to report child abuse or child neglect that is known or 17028
reasonably suspected or believed to have occurred, may take or 17029
cause to be taken color photographs of areas of trauma visible on 17030
a child and, if medically necessary for the purpose of diagnosing 17031
or treating injuries that are suspected to have occurred as a 17032
result of child abuse or child neglect, perform or cause to be 17033
performed radiological examinations and any other medical 17034
examinations of, and tests or procedures on, the child. 17035

(2) The results and any available reports of examinations, 17036
tests, or procedures made under division (D)(1) of this section 17037
shall be included in a report made pursuant to division (A) of 17038
this section. Any additional reports of examinations, tests, or 17039
procedures that become available shall be provided to the public 17040
children services agency, upon request. 17041

(3) If a health care professional provides health care 17042
services in a hospital, children's advocacy center, or emergency 17043
medical facility to a child about whom a report has been made 17044
under division (A) of this section, the health care professional 17045
may take any steps that are reasonably necessary for the release 17046
or discharge of the child to an appropriate environment. Before 17047
the child's release or discharge, the health care professional may 17048
obtain information, or consider information obtained, from other 17049
entities or individuals that have knowledge about the child. 17050
Nothing in division (D)(3) of this section shall be construed to 17051
alter the responsibilities of any person under sections 2151.27 17052
and 2151.31 of the Revised Code. 17053

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a

children's advocacy center and the report alleges sexual abuse of 17085
a child or another type of abuse of a child that is specified in 17086
the memorandum of understanding that creates the center as being 17087
within the center's jurisdiction, comply regarding the report with 17088
the protocol and procedures for referrals and investigations, with 17089
the coordinating activities, and with the authority or 17090
responsibility for performing or providing functions, activities, 17091
and services stipulated in the interagency agreement entered into 17092
under section 2151.428 of the Revised Code relative to that 17093
center. 17094

(F) No peace officer shall remove a child about whom a report 17095
is made pursuant to this section from the child's parents, 17096
stepparents, or guardian or any other persons having custody of 17097
the child without consultation with the public children services 17098
agency, unless, in the judgment of the officer, and, if the report 17099
was made by physician, the physician, immediate removal is 17100
considered essential to protect the child from further abuse or 17101
neglect. The agency that must be consulted shall be the agency 17102
conducting the investigation of the report as determined pursuant 17103
to section 2151.422 of the Revised Code. 17104

(G)(1) Except as provided in section 2151.422 of the Revised 17105
Code or in an interagency agreement entered into under section 17106
2151.428 of the Revised Code that applies to the particular 17107
report, the public children services agency shall investigate, 17108
within twenty-four hours, each report of child abuse or child 17109
neglect that is known or reasonably suspected or believed to have 17110
occurred and of a threat of child abuse or child neglect that is 17111
known or reasonably suspected or believed to exist that is 17112
referred to it under this section to determine the circumstances 17113
surrounding the injuries, abuse, or neglect or the threat of 17114
injury, abuse, or neglect, the cause of the injuries, abuse, 17115
neglect, or threat, and the person or persons responsible. The 17116

investigation shall be made in cooperation with the law 17117
enforcement agency and in accordance with the memorandum of 17118
understanding prepared under division (K) of this section. A 17119
representative of the public children services agency shall, at 17120
the time of initial contact with the person subject to the 17121
investigation, inform the person of the specific complaints or 17122
allegations made against the person. The information shall be 17123
given in a manner that is consistent with division (I)(1) of this 17124
section and protects the rights of the person making the report 17125
under this section. 17126

A failure to make the investigation in accordance with the 17127
memorandum is not grounds for, and shall not result in, the 17128
dismissal of any charges or complaint arising from the report or 17129
the suppression of any evidence obtained as a result of the report 17130
and does not give, and shall not be construed as giving, any 17131
rights or any grounds for appeal or post-conviction relief to any 17132
person. The public children services agency shall report each case 17133
to the uniform statewide automated child welfare information 17134
system that the department of job and family services shall 17135
maintain in accordance with section 5101.13 of the Revised Code. 17136
The public children services agency shall submit a report of its 17137
investigation, in writing, to the law enforcement agency. 17138

(2) The public children services agency shall make any 17139
recommendations to the county prosecuting attorney or city 17140
director of law that it considers necessary to protect any 17141
children that are brought to its attention. 17142

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 17143
(I)(3) of this section, any person, health care professional, 17144
hospital, institution, school, health department, or agency shall 17145
be immune from any civil or criminal liability for injury, death, 17146
or loss to person or property that otherwise might be incurred or 17147
imposed as a result of any of the following: 17148

(i) Participating in the making of reports pursuant to	17149
division (A) of this section or in the making of reports in good	17150
faith, pursuant to division (B) of this section;	17151
(ii) Participating in medical examinations, tests, or	17152
procedures under division (D) of this section;	17153
(iii) Providing information used in a report made pursuant to	17154
division (A) of this section or providing information in good	17155
faith used in a report made pursuant to division (B) of this	17156
section;	17157
(iv) Participating in a judicial proceeding resulting from a	17158
report made pursuant to division (A) of this section or	17159
participating in good faith in a proceeding resulting from a	17160
report made pursuant to division (B) of this section.	17161
(b) Immunity under division (H)(1)(a)(ii) of this section	17162
shall not apply when a health care provider has deviated from the	17163
standard of care applicable to the provider's profession.	17164
(c) Notwithstanding section 4731.22 of the Revised Code, the	17165
physician-patient privilege shall not be a ground for excluding	17166
evidence regarding a child's injuries, abuse, or neglect, or the	17167
cause of the injuries, abuse, or neglect in any judicial	17168
proceeding resulting from a report submitted pursuant to this	17169
section.	17170
(2) In any civil or criminal action or proceeding in which it	17171
is alleged and proved that participation in the making of a report	17172
under this section was not in good faith or participation in a	17173
judicial proceeding resulting from a report made under this	17174
section was not in good faith, the court shall award the	17175
prevailing party reasonable attorney's fees and costs and, if a	17176
civil action or proceeding is voluntarily dismissed, may award	17177
reasonable attorney's fees and costs to the party against whom the	17178
civil action or proceeding is brought.	17179

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies

for any reason at any time after the report is made, but before 17212
the child attains eighteen years of age, the public children 17213
services agency or peace officer to which the report was made or 17214
referred, on the request of the child fatality review board or the 17215
director of health pursuant to guidelines established under 17216
section 3701.70 of the Revised Code, shall submit a summary sheet 17217
of information providing a summary of the report to the review 17218
board of the county in which the deceased child resided at the 17219
time of death or to the director. On the request of the review 17220
board or director, the agency or peace officer may, at its 17221
discretion, make the report available to the review board or 17222
director. If the county served by the public children services 17223
agency is also served by a children's advocacy center and the 17224
report of alleged sexual abuse of a child or another type of abuse 17225
of a child is specified in the memorandum of understanding that 17226
creates the center as being within the center's jurisdiction, the 17227
agency or center shall perform the duties and functions specified 17228
in this division in accordance with the interagency agreement 17229
entered into under section 2151.428 of the Revised Code relative 17230
to that advocacy center. 17231

(5) A public children services agency shall advise a person 17232
alleged to have inflicted abuse or neglect on a child who is the 17233
subject of a report made pursuant to this section, including a 17234
report alleging sexual abuse of a child or another type of abuse 17235
of a child referred to a children's advocacy center pursuant to an 17236
interagency agreement entered into under section 2151.428 of the 17237
Revised Code, in writing of the disposition of the investigation. 17238
The agency shall not provide to the person any information that 17239
identifies the person who made the report, statements of 17240
witnesses, or police or other investigative reports. 17241

(J) Any report that is required by this section, other than a 17242
report that is made to the state highway patrol as described in 17243

section 5120.173 of the Revised Code, shall result in protective 17244
services and emergency supportive services being made available by 17245
the public children services agency on behalf of the children 17246
about whom the report is made, in an effort to prevent further 17247
neglect or abuse, to enhance their welfare, and, whenever 17248
possible, to preserve the family unit intact. The agency required 17249
to provide the services shall be the agency conducting the 17250
investigation of the report pursuant to section 2151.422 of the 17251
Revised Code. 17252

(K)(1) Each public children services agency shall prepare a 17253
memorandum of understanding that is signed by all of the 17254
following: 17255

(a) If there is only one juvenile judge in the county, the 17256
juvenile judge of the county or the juvenile judge's 17257
representative; 17258

(b) If there is more than one juvenile judge in the county, a 17259
juvenile judge or the juvenile judges' representative selected by 17260
the juvenile judges or, if they are unable to do so for any 17261
reason, the juvenile judge who is senior in point of service or 17262
the senior juvenile judge's representative; 17263

(c) The county peace officer; 17264

(d) All chief municipal peace officers within the county; 17265

(e) Other law enforcement officers handling child abuse and 17266
neglect cases in the county; 17267

(f) The prosecuting attorney of the county; 17268

(g) If the public children services agency is not the county 17269
department of job and family services, the county department of 17270
job and family services; 17271

(h) The county humane society; 17272

(i) If the public children services agency participated in 17273

the execution of a memorandum of understanding under section 17274
2151.426 of the Revised Code establishing a children's advocacy 17275
center, each participating member of the children's advocacy 17276
center established by the memorandum. 17277

(2) A memorandum of understanding shall set forth the normal 17278
operating procedure to be employed by all concerned officials in 17279
the execution of their respective responsibilities under this 17280
section and division (C) of section 2919.21, division (B)(1) of 17281
section 2919.22, division (B) of section 2919.23, and section 17282
2919.24 of the Revised Code and shall have as two of its primary 17283
goals the elimination of all unnecessary interviews of children 17284
who are the subject of reports made pursuant to division (A) or 17285
(B) of this section and, when feasible, providing for only one 17286
interview of a child who is the subject of any report made 17287
pursuant to division (A) or (B) of this section. A failure to 17288
follow the procedure set forth in the memorandum by the concerned 17289
officials is not grounds for, and shall not result in, the 17290
dismissal of any charges or complaint arising from any reported 17291
case of abuse or neglect or the suppression of any evidence 17292
obtained as a result of any reported child abuse or child neglect 17293
and does not give, and shall not be construed as giving, any 17294
rights or any grounds for appeal or post-conviction relief to any 17295
person. 17296

(3) A memorandum of understanding shall include all of the 17297
following: 17298

(a) The roles and responsibilities for handling emergency and 17299
nonemergency cases of abuse and neglect; 17300

(b) Standards and procedures to be used in handling and 17301
coordinating investigations of reported cases of child abuse and 17302
reported cases of child neglect, methods to be used in 17303
interviewing the child who is the subject of the report and who 17304
allegedly was abused or neglected, and standards and procedures 17305

addressing the categories of persons who may interview the child 17306
who is the subject of the report and who allegedly was abused or 17307
neglected. 17308

(4) If a public children services agency participated in the 17309
execution of a memorandum of understanding under section 2151.426 17310
of the Revised Code establishing a children's advocacy center, the 17311
agency shall incorporate the contents of that memorandum in the 17312
memorandum prepared pursuant to this section. 17313

(5) The clerk of the court of common pleas in the county may 17314
sign the memorandum of understanding prepared under division 17315
(K)(1) of this section. If the clerk signs the memorandum of 17316
understanding, the clerk shall execute all relevant 17317
responsibilities as required of officials specified in the 17318
memorandum. 17319

(L)(1) Except as provided in division (L)(4) or (5) of this 17320
section, a person who is required to make a report pursuant to 17321
division (A) of this section may make a reasonable number of 17322
requests of the public children services agency that receives or 17323
is referred the report, or of the children's advocacy center that 17324
is referred the report if the report is referred to a children's 17325
advocacy center pursuant to an interagency agreement entered into 17326
under section 2151.428 of the Revised Code, to be provided with 17327
the following information: 17328

(a) Whether the agency or center has initiated an 17329
investigation of the report; 17330

(b) Whether the agency or center is continuing to investigate 17331
the report; 17332

(c) Whether the agency or center is otherwise involved with 17333
the child who is the subject of the report; 17334

(d) The general status of the health and safety of the child 17335
who is the subject of the report; 17336

(e) Whether the report has resulted in the filing of a 17337
complaint in juvenile court or of criminal charges in another 17338
court. 17339

(2) A person may request the information specified in 17340
division (L)(1) of this section only if, at the time the report is 17341
made, the person's name, address, and telephone number are 17342
provided to the person who receives the report. 17343

When a peace officer or employee of a public children 17344
services agency receives a report pursuant to division (A) or (B) 17345
of this section the recipient of the report shall inform the 17346
person of the right to request the information described in 17347
division (L)(1) of this section. The recipient of the report shall 17348
include in the initial child abuse or child neglect report that 17349
the person making the report was so informed and, if provided at 17350
the time of the making of the report, shall include the person's 17351
name, address, and telephone number in the report. 17352

Each request is subject to verification of the identity of 17353
the person making the report. If that person's identity is 17354
verified, the agency shall provide the person with the information 17355
described in division (L)(1) of this section a reasonable number 17356
of times, except that the agency shall not disclose any 17357
confidential information regarding the child who is the subject of 17358
the report other than the information described in those 17359
divisions. 17360

(3) A request made pursuant to division (L)(1) of this 17361
section is not a substitute for any report required to be made 17362
pursuant to division (A) of this section. 17363

(4) If an agency other than the agency that received or was 17364
referred the report is conducting the investigation of the report 17365
pursuant to section 2151.422 of the Revised Code, the agency 17366
conducting the investigation shall comply with the requirements of 17367

division (L) of this section. 17368

(5) A health care professional who made a report under 17369
division (A) of this section, or on whose behalf such a report was 17370
made as provided in division (A)(1)(c) of this section, may 17371
authorize a person to obtain the information described in division 17372
(L)(1) of this section if the person requesting the information is 17373
associated with or acting on behalf of the health care 17374
professional who provided health care services to the child about 17375
whom the report was made. 17376

(M) The director of job and family services shall adopt rules 17377
in accordance with Chapter 119. of the Revised Code to implement 17378
this section. The department of job and family services may enter 17379
into a plan of cooperation with any other governmental entity to 17380
aid in ensuring that children are protected from abuse and 17381
neglect. The department shall make recommendations to the attorney 17382
general that the department determines are necessary to protect 17383
children from child abuse and child neglect. 17384

(N) Whoever violates division (A) of this section is liable 17385
for compensatory and exemplary damages to the child who would have 17386
been the subject of the report that was not made. A person who 17387
brings a civil action or proceeding pursuant to this division 17388
against a person who is alleged to have violated division (A)(1) 17389
of this section may use in the action or proceeding reports of 17390
other incidents of known or suspected abuse or neglect, provided 17391
that any information in a report that would identify the child who 17392
is the subject of the report or the maker of the report, if the 17393
maker is not the defendant or an agent or employee of the 17394
defendant, has been redacted. 17395

(O)(1) As used in this division: 17396

(a) "Out-of-home care" includes a nonchartered nonpublic 17397
school if the alleged child abuse or child neglect, or alleged 17398

threat of child abuse or child neglect, described in a report 17399
received by a public children services agency allegedly occurred 17400
in or involved the nonchartered nonpublic school and the alleged 17401
perpetrator named in the report holds a certificate, permit, or 17402
license issued by the state board of education under section 17403
3301.071 or Chapter 3319. of the Revised Code. 17404

(b) "Administrator, director, or other chief administrative 17405
officer" means the superintendent of the school district if the 17406
out-of-home care entity subject to a report made pursuant to this 17407
section is a school operated by the district. 17408

(2) No later than the end of the day following the day on 17409
which a public children services agency receives a report of 17410
alleged child abuse or child neglect, or a report of an alleged 17411
threat of child abuse or child neglect, that allegedly occurred in 17412
or involved an out-of-home care entity, the agency shall provide 17413
written notice of the allegations contained in and the person 17414
named as the alleged perpetrator in the report to the 17415
administrator, director, or other chief administrative officer of 17416
the out-of-home care entity that is the subject of the report 17417
unless the administrator, director, or other chief administrative 17418
officer is named as an alleged perpetrator in the report. If the 17419
administrator, director, or other chief administrative officer of 17420
an out-of-home care entity is named as an alleged perpetrator in a 17421
report of alleged child abuse or child neglect, or a report of an 17422
alleged threat of child abuse or child neglect, that allegedly 17423
occurred in or involved the out-of-home care entity, the agency 17424
shall provide the written notice to the owner or governing board 17425
of the out-of-home care entity that is the subject of the report. 17426
The agency shall not provide witness statements or police or other 17427
investigative reports. 17428

(3) No later than three days after the day on which a public 17429
children services agency that conducted the investigation as 17430

determined pursuant to section 2151.422 of the Revised Code makes 17431
a disposition of an investigation involving a report of alleged 17432
child abuse or child neglect, or a report of an alleged threat of 17433
child abuse or child neglect, that allegedly occurred in or 17434
involved an out-of-home care entity, the agency shall send written 17435
notice of the disposition of the investigation to the 17436
administrator, director, or other chief administrative officer and 17437
the owner or governing board of the out-of-home care entity. The 17438
agency shall not provide witness statements or police or other 17439
investigative reports. 17440

(P) As used in this section: 17441

(1) "Children's advocacy center" and "sexual abuse of a 17442
child" have the same meanings as in section 2151.425 of the 17443
Revised Code. 17444

(2) "Health care professional" means an individual who 17445
provides health-related services including a physician, hospital 17446
intern or resident, dentist, podiatrist, registered nurse, 17447
licensed practical nurse, visiting nurse, licensed psychologist, 17448
speech pathologist, audiologist, person engaged in social work or 17449
the practice of professional counseling, and employee of a home 17450
health agency. "Health care professional" does not include a 17451
practitioner of a limited branch of medicine as specified in 17452
section 4731.15 of the Revised Code, licensed school psychologist, 17453
independent marriage and family therapist or marriage and family 17454
therapist, or coroner. 17455

(3) "Investigation" means the public children services 17456
agency's response to an accepted report of child abuse or neglect 17457
through either an alternative response or a traditional response. 17458

(4) "Peace officer" means a sheriff, deputy sheriff, 17459
constable, police officer of a township or joint police district, 17460
marshal, deputy marshal, municipal police officer, or a state 17461

highway patrol trooper. 17462

Sec. 2151.424. (A) If a child has been placed in a certified 17463
foster home or is in the custody of, or has been placed with, a 17464
~~relative of the child, other than a parent of the child~~ kinship 17465
caregiver as defined in section 5101.85 of the Revised Code, a 17466
court, prior to conducting any hearing pursuant to division (F)(2) 17467
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 17468
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 17469
respect to the child, shall notify the foster caregiver or 17470
~~relative~~ kinship caregiver of the date, time, and place of the 17471
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 17472
caregiver shall have the right to ~~present evidence~~ be heard. 17473

(B) If a public children services agency or private child 17474
placing agency has permanent custody of a child and a petition to 17475
adopt the child has been filed under Chapter 3107. of the Revised 17476
Code, the agency, prior to conducting a review under section 17477
2151.416 of the Revised Code, or a court, prior to conducting a 17478
hearing under division (F)(2) or (3) of section 2151.412 or 17479
section 2151.416 or 2151.417 of the Revised Code, shall notify the 17480
prospective adoptive parent of the date, time, and place of the 17481
review or hearing. At the review or hearing, the prospective 17482
adoptive parent shall have the right to ~~present evidence~~ be heard. 17483

(C) The notice and the opportunity to ~~present evidence~~ be 17484
heard do not make the foster caregiver, ~~relative~~ kinship 17485
caregiver, or prospective adoptive parent a party in the action or 17486
proceeding pursuant to which the review or hearing is conducted. 17487

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 17488
Revised Code, "emancipated young adult" and "representative" have 17489
the same meanings as in section 5101.141 of the Revised Code. 17490

Sec. 2151.451. The juvenile court of the county in which an 17491

emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code resides shall have jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code. A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under those sections to a juvenile court with jurisdiction as provided in this section. 17492
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Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code: 17499
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(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of job and family services or its representative. An emancipated young adult shall not be eligible for continued care and placement if the court finds it is not in the emancipated young adult's best interest. 17502
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(B) Not later than twelve months after the date that the voluntary participation agreement is signed, and annually thereafter, make a determination as to whether reasonable efforts have been made to prepare the emancipated young adult for independence. 17510
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Sec. 2151.453. If any determination required under division (B) of section 2151.452 of the Revised Code is not timely made, the federal payments for foster care under division (A)(1) of section 5101.1411 of the Revised Code for the emancipated young adult shall be suspended. The payments shall resume upon a subsequent determination that reasonable efforts have been made to prepare the emancipated young adult for independence, but only if 17515
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<u>both of the following apply:</u>	17522
<u>(A) The emancipated young adult complies with division (A)(1) of section 5101.1411 of the Revised Code.</u>	17523 17524
<u>(B) There has been a timely determination of best interest under division (A) of section 2151.452 of the Revised Code.</u>	17525 17526
<u>Sec. 2151.454. For purposes of a determination under section 2151.452 of the Revised Code, the department of job and family services or its representative may file any documents and appear before the court in relation to such filings. Nothing in this section shall prohibit an emancipated young adult from obtaining legal representation pursuant to section 2151.455 of the Revised Code.</u>	17527 17528 17529 17530 17531 17532 17533
<u>Sec. 2151.455. (A) An emancipated young adult is entitled to representation by legal counsel at all stages of proceedings conducted under section 2151.45 to 2151.455 of the Revised Code.</u>	17534 17535 17536
<u>(B) If, as an indigent person, the emancipated young adult is unable to employ counsel, the emancipated young adult is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code.</u>	17537 17538 17539 17540
<u>(C) If an emancipated young adult appears without counsel, the court shall determine whether the emancipated young adult knows of the right to counsel, and to be provided with counsel, if indigent.</u>	17541 17542 17543 17544
<u>(D) The court may continue the case to enable an emancipated young adult to obtain counsel, to be represented by the county public defender or the joint county public defender, or to be appointed counsel upon request pursuant to Chapter 120. of the Revised Code.</u>	17545 17546 17547 17548 17549
<u>(E) Upon written request, prior to any hearing involving the</u>	17550

emancipated young adult, any report concerning an emancipated 17551
young adult that is used in, or is pertinent to, a hearing, shall 17552
for good cause shown be made available to any attorney 17553
representing the emancipated young adult and to any attorney 17554
representing any other party to the case. 17555

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 17556
entity that appoints or employs any person responsible for a 17557
child's care in out-of-home care shall request the superintendent 17558
of BCII to conduct a criminal records check with respect to any 17559
person who is under final consideration for appointment or 17560
employment as a person responsible for a child's care in 17561
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 17562
~~shall apply instead of this section if.~~ The request shall be made 17563
at the time of initial application for appointment or employment 17564
and every four years thereafter. If the out-of-home care entity is 17565
a public school, educational service center, or chartered 17566
nonpublic school, then section 3319.39 of the Revised Code shall 17567
apply instead. If the out-of-home care entity is a child day-care 17568
center, type A family day-care home, type B family day-care home, 17569
certified in-home aide, or child day camp, then section 5104.013 17570
of the Revised Code shall apply instead. 17571

(2) At the times specified in this division, the 17572
administrative director of an agency, or attorney, who arranges an 17573
adoption for a prospective adoptive parent shall request the 17574
superintendent of BCII to conduct a criminal records check with 17575
respect to that prospective adoptive parent and a criminal records 17576
check with respect to all persons eighteen years of age or older 17577
who reside with the prospective adoptive parent. The 17578
administrative director or attorney shall request a criminal 17579
records check pursuant to this division at the time of the initial 17580
home study, every four years after the initial home study at the 17581
time of an update, and at the time that an adoptive home study is 17582

completed as a new home study. 17583

(3) Before a recommending agency submits a recommendation to 17584
the department of job and family services on whether the 17585
department should issue a certificate to a foster home under 17586
section 5103.03 of the Revised Code, and every four years 17587
thereafter prior to a recertification under that section, the 17588
administrative director of the agency shall request that the 17589
superintendent of BCII conduct a criminal records check with 17590
respect to the prospective foster caregiver and a criminal records 17591
check with respect to all other persons eighteen years of age or 17592
older who reside with the foster caregiver. 17593

~~(B)(1) If a person subject to a criminal records check under 17594
division (A)(1) of this section does not present proof that the 17595
person has been a resident of this state for the five year period 17596
immediately prior to the date upon which the criminal records 17597
check is requested or does not provide evidence that within that 17598
five year period the superintendent of BCII has requested 17599
information about the person from the federal bureau of 17600
investigation in a criminal records check, the appointing or 17601
hiring officer shall request that the superintendent of BCII 17602
obtain information from the federal bureau of investigation as a 17603
part of the criminal records check, including fingerprint based 17604
checks of national crime information databases as described in 42 17605
U.S.C. 671. If a person subject to a criminal records check under 17606
division (A)(1) of this section presents proof that the person has 17607
been a resident of this state for that five year period, the 17608
appointing or hiring officer or attorney may request that the 17609
superintendent of BCII include information from the federal bureau 17610
of investigation in the criminal records check, including 17611
fingerprint based checks of national crime information databases 17612
as described in 42 U.S.C. 671 When the appointing or hiring 17613
officer requests, at the time of initial application for 17614~~

appointment or employment, a criminal records check for a person 17615
subject to division (A)(1) of this section, the officer shall 17616
request that the superintendent of BCII obtain information from 17617
the federal bureau of investigation as part of the criminal 17618
records check, including fingerprint-based checks of national 17619
crime information databases as described in 42 U.S.C. 671, for the 17620
person subject to the criminal records check. In all other cases 17621
in which the appointing or hiring officer requests a criminal 17622
records check for a person pursuant to division (A)(1) of this 17623
section, the officer may request that the superintendent of BCII 17624
obtain information from the federal bureau of investigation as 17625
part of the criminal records check, including fingerprint-based 17626
checks of national crime information databases as described in 42 17627
U.S.C. 671, for the person subject to the criminal records check. 17628

When the administrative director of an agency, or attorney, 17629
who arranges an adoption for a prospective parent requests, at the 17630
time of the initial home study, a criminal records check for a 17631
person pursuant to division (A)(2) of this section, the 17632
administrative director or attorney shall request that the 17633
superintendent of BCII obtain information from the federal bureau 17634
of investigation as part of the criminal records check, including 17635
fingerprint-based checks of national crime information databases 17636
as described in 42 U.S.C. 671, for the person subject to the 17637
criminal records check. In all other cases in which the 17638
administrative director of an agency, or attorney, who arranges an 17639
adoption for a prospective parent requests a criminal records 17640
check for a person pursuant to division (A)(2) of this section, 17641
the administrative director or attorney may request that the 17642
superintendent of BCII include information from the federal bureau 17643
of investigation in the criminal records check, including 17644
fingerprint-based checks of national crime information databases 17645
as described in 42 U.S.C. 671. 17646

When the administrative director of a recommending agency 17647
requests, before submitting a recommendation to the department of 17648
job and family services on whether the department should issue a 17649
certificate to a foster home under section 5103.03 of the Revised 17650
Code, a criminal records check for a person pursuant to division 17651
(A)(3) of this section, the administrative director shall request 17652
that the superintendent of BCII obtain information from the 17653
federal bureau of investigation as part of a criminal records 17654
check, including fingerprint-based checks of national crime 17655
information databases as described in 42 U.S.C. 671, for the 17656
person subject to the criminal records check. In all other cases 17657
in which the administrative director of a recommending agency 17658
requests a criminal records check for a person pursuant to 17659
division (A)(3) of this section, the administrative director may 17660
request that the superintendent of BCII include information from 17661
the federal bureau of investigation in the criminal records check, 17662
including fingerprint-based checks of national crime information 17663
databases as described in 42 U.S.C. 671. 17664

Prior to a hearing on a final decree of adoption or 17665
interlocutory order of adoption by a probate court, the 17666
administrative director of an agency, or an attorney, who arranges 17667
an adoption for a prospective parent shall provide to the clerk of 17668
the probate court either of the following: 17669

(a) Any information received pursuant to a request made under 17670
this division from the superintendent of BCII or the federal 17671
bureau of investigation as part of the criminal records check, 17672
including fingerprint-based checks of national crime information 17673
databases as described in 42 U.S.C. 671, for the person subject to 17674
the criminal records check; 17675

(b) Written notification that the person subject to a 17676
criminal records check pursuant to this division failed upon 17677
request to provide the information necessary to complete the form 17678

or failed to provide impressions of the person's fingerprints as 17679
required under division (B)(2) of this section. 17680

(2) An appointing or hiring officer, administrative director, 17681
or attorney required by division (A) of this section to request a 17682
criminal records check shall provide to each person subject to a 17683
criminal records check a copy of the form prescribed pursuant to 17684
division (C)(1) of section 109.572 of the Revised Code and a 17685
standard impression sheet to obtain fingerprint impressions 17686
prescribed pursuant to division (C)(2) of section 109.572 of the 17687
Revised Code, obtain the completed form and impression sheet from 17688
the person, and forward the completed form and impression sheet to 17689
the superintendent of BCII at the time the criminal records check 17690
is requested. 17691

Any person subject to a criminal records check who receives 17692
pursuant to this division a copy of the form prescribed pursuant 17693
to division (C)(1) of section 109.572 of the Revised Code and a 17694
copy of an impression sheet prescribed pursuant to division (C)(2) 17695
of that section and who is requested to complete the form and 17696
provide a set of fingerprint impressions shall complete the form 17697
or provide all the information necessary to complete the form and 17698
shall provide the impression sheet with the impressions of the 17699
person's fingerprints. If a person subject to a criminal records 17700
check, upon request, fails to provide the information necessary to 17701
complete the form or fails to provide impressions of the person's 17702
fingerprints, the appointing or hiring officer shall not appoint 17703
or employ the person as a person responsible for a child's care in 17704
out-of-home care, a probate court may not issue a final decree of 17705
adoption or an interlocutory order of adoption making the person 17706
an adoptive parent, and the department of job and family services 17707
shall not issue a certificate authorizing the prospective foster 17708
caregiver to operate a foster home. 17709

(C)(1) No appointing or hiring officer shall appoint or 17710

employ a person as a person responsible for a child's care in 17711
out-of-home care, the department of job and family services shall 17712
not issue a certificate under section 5103.03 of the Revised Code 17713
authorizing a prospective foster caregiver to operate a foster 17714
home, and no probate court shall issue a final decree of adoption 17715
or an interlocutory order of adoption making a person an adoptive 17716
parent if the person or, in the case of a prospective foster 17717
caregiver or prospective adoptive parent, any person eighteen 17718
years of age or older who resides with the prospective foster 17719
caregiver or prospective adoptive parent previously has been 17720
convicted of or pleaded guilty to any of the violations described 17721
in division (A)(4) of section 109.572 of the Revised Code, unless 17722
the person meets rehabilitation standards established in rules 17723
adopted under division (F) of this section. 17724

~~(2) The appointing or hiring officer may appoint or employ a 17725
person as a person responsible for a child's care in out of home 17726
care conditionally until the criminal records check required by 17727
this section is completed and the officer receives the results of 17728
the criminal records check. If the results of the criminal records 17729
check indicate that, pursuant to division (C)(1) of this section, 17730
the person subject to the criminal records check does not qualify 17731
for appointment or employment, the officer shall release the 17732
person from appointment or employment. 17733~~

~~(3) Prior to certification or recertification under section 17734
5103.03 of the Revised Code, the prospective foster caregiver 17735
subject to a criminal records check under division (A)(3) of this 17736
section shall notify the recommending agency of the revocation of 17737
any foster home license, certificate, or other similar 17738
authorization in another state occurring within the five years 17739
prior to the date of application to become a foster caregiver in 17740
this state. The failure of a prospective foster caregiver to 17741
notify the recommending agency of any revocation of that type in 17742~~

another state that occurred within that five-year period shall be 17743
grounds for denial of the person's foster home application or the 17744
revocation of the person's foster home certification, whichever is 17745
applicable. If a person has had a revocation in another state 17746
within the five years prior to the date of the application, the 17747
department of job and family services shall not issue a foster 17748
home certificate to the prospective foster caregiver. 17749

(D) The appointing or hiring officer, administrative 17750
director, or attorney shall pay to the bureau of criminal 17751
identification and investigation the fee prescribed pursuant to 17752
division (C)(3) of section 109.572 of the Revised Code for each 17753
criminal records check conducted in accordance with that section 17754
upon a request pursuant to division (A) of this section. The 17755
officer, director, or attorney may charge the person subject to 17756
the criminal records check a fee for the costs the officer, 17757
director, or attorney incurs in obtaining the criminal records 17758
check. A fee charged under this division shall not exceed the 17759
amount of fees the officer, director, or attorney pays for the 17760
criminal records check. If a fee is charged under this division, 17761
the officer, director, or attorney shall notify the person who is 17762
the applicant at the time of the person's initial application for 17763
appointment or employment, an adoption to be arranged, or a 17764
certificate to operate a foster home of the amount of the fee and 17765
that, unless the fee is paid, the person who is the applicant will 17766
not be considered for appointment or employment or as an adoptive 17767
parent or foster caregiver. 17768

(E) The report of any criminal records check conducted by the 17769
bureau of criminal identification and investigation in accordance 17770
with section 109.572 of the Revised Code and pursuant to a request 17771
made under division (A) of this section is not a public record for 17772
the purposes of section 149.43 of the Revised Code and shall not 17773
be made available to any person other than the following: 17774

(1) The person who is the subject of the criminal records check or the person's representative;	17775 17776
(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;	17777 17778 17779
(3) The department of job and family services, a county department of job and family services, or a public children services agency;	17780 17781 17782
(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.	17783 17784 17785 17786
(F) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.	17787 17788 17789 17790 17791 17792 17793 17794 17795 17796 17797 17798 17799
(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records	17800 17801 17802 17803 17804 17805

check is required to provide a set of impressions of the person's 17806
fingerprints and that a criminal records check is required to be 17807
conducted and satisfactorily completed in accordance with section 17808
109.572 of the Revised Code. 17809

(H) As used in this section: 17810

(1) "Children's hospital" means any of the following: 17811

(a) A hospital registered under section 3701.07 of the 17812
Revised Code that provides general pediatric medical and surgical 17813
care, and in which at least seventy-five per cent of annual 17814
inpatient discharges for the preceding two calendar years were 17815
individuals less than eighteen years of age; 17816

(b) A distinct portion of a hospital registered under section 17817
3701.07 of the Revised Code that provides general pediatric 17818
medical and surgical care, has a total of at least one hundred 17819
fifty registered pediatric special care and pediatric acute care 17820
beds, and in which at least seventy-five per cent of annual 17821
inpatient discharges for the preceding two calendar years were 17822
individuals less than eighteen years of age; 17823

(c) A distinct portion of a hospital, if the hospital is 17824
registered under section 3701.07 of the Revised Code as a 17825
children's hospital and the children's hospital meets all the 17826
requirements of division (H)(1)(a) of this section. 17827

(2) "Criminal records check" has the same meaning as in 17828
section 109.572 of the Revised Code. 17829

(3) "Person responsible for a child's care in out-of-home 17830
care" has the same meaning as in section 2151.011 of the Revised 17831
Code, except that it does not include a prospective employee of 17832
the department of youth services or a person responsible for a 17833
child's care in a hospital or medical clinic other than a 17834
children's hospital. 17835

(4) "Person subject to a criminal records check" means the following: 17836
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(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care; 17838
17839
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(b) A prospective or current adoptive parent; 17841

(c) A prospective or current foster caregiver; 17842

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent. 17843
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(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes. 17846
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(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation. 17850
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Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9010 of the Revised Code: 17852
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(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home. 17854
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(2) "Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following: 17860
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(a) Provides resources and services to assist, support, and 17864

<u>educate parents, host families, children, or any person hosting a</u>	17865
<u>child under a host family agreement on a temporary basis;</u>	17866
<u>(b) Requires a criminal records check on the intended host</u>	17867
<u>family and all adults residing in the host family's household;</u>	17868
<u>(c) Requires a background check in the central registry of</u>	17869
<u>abuse and neglect of this state from the department of job and</u>	17870
<u>family services for the intended host family and all adults</u>	17871
<u>residing in the host family's household;</u>	17872
<u>(d) Ensures that the host family is trained on the rights,</u>	17873
<u>duties, responsibilities, and limitations as outlined in the host</u>	17874
<u>family agreement;</u>	17875
<u>(e) Conduct in-home supervision of a child who is the subject</u>	17876
<u>of the host family agreement while the agreement is in force as</u>	17877
<u>follows:</u>	17878
<u>(i) For hostings of fewer than thirty days, within two</u>	17879
<u>business days of placement and then at least once a week</u>	17880
<u>thereafter;</u>	17881
<u>(ii) For hostings of thirty days but less than ninety days,</u>	17882
<u>within two business days of placement and then twice a month;</u>	17883
<u>(iii) For hostings of ninety days or more, within two</u>	17884
<u>business days of placement and then an option for less frequent</u>	17885
<u>supervision, as determined in accordance with the best interests</u>	17886
<u>of the child.</u>	17887
<u>(f) Plans for the return of the child who is the subject of</u>	17888
<u>the host family agreement to the child's parents, guardian, or</u>	17889
<u>legal custodian.</u>	17890
<u>(3) "Temporary basis" means a period of time not to exceed</u>	17891
<u>one year, except as provided in section 2151.901 of the Revised</u>	17892
<u>Code.</u>	17893
<u>(B) A child may be hosted by a host family only when all of</u>	17894

<u>the following conditions are satisfied:</u>	17895
<u>(1) The hosting is done on a temporary basis.</u>	17896
<u>(2) The hosting is done under a host family agreement entered into with a qualified organization's assistance.</u>	17897 17898
<u>(3) Either one or both of the child's parents, or the child's guardian or legal custodian, are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which the hosting is appropriate.</u>	17899 17900 17901 17902 17903
<u>(4) The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children if applicable.</u>	17904 17905 17906
<u>Sec. 2151.901. Upon the request of the child's parent, guardian, legal custodian, host family, or the qualified organization that arranged the host family agreement, a juvenile court may alter the period during which a host family agreement is in effect if the court determines there are extenuating circumstances.</u>	17907 17908 17909 17910 17911 17912
<u>Sec. 2151.902. A public children services agency shall not file a complaint under section 2151.27 of the Revised Code because a child is hosted by a host family in compliance with section 2151.90 of the Revised Code, unless the agency determines that factors other than the hosting warrant filing the complaint.</u>	17913 17914 17915 17916 17917
<u>Sec. 2151.903. The presumption that a child hosted under a host family agreement is abandoned under section 2151.011 of the Revised Code may be rebutted if the hosting complied with section 2151.90 of the Revised Code.</u>	17918 17919 17920 17921
<u>Sec. 2151.904. (A) Before a qualified organization provides</u>	17922

for hosting of a child with a host family and every four years 17923
thereafter, a prospective host family and all other persons 17924
eighteen years of age or older who reside in the host family's 17925
home shall request, and shall provide to the qualified 17926
organization the results of, the following for the host family and 17927
all other persons eighteen years of age or older who reside in the 17928
home: 17929

(1) A criminal records check, as defined under division (G) 17930
of section 109.572 of the Revised Code, and information from the 17931
federal bureau of investigation, as part of the criminal records 17932
check, including fingerprint-based checks of national crime 17933
information databases as described in 42 U.S.C. 671; 17934

(2) A background check in the central registry of abuse and 17935
neglect of this state from the department of job and family 17936
services. 17937

(B) A person subject to division (A) of this section may 17938
request the criminal records check and information required under 17939
division (A)(1) of this section from either of the following: 17940

(1) The superintendent of the bureau of criminal 17941
identification and investigation; 17942

(2) Any entity authorized, on behalf of the person, to 17943
request the superintendent to conduct the criminal records check 17944
and provide the information. 17945

(C) If a person subject to division (A) of this section fails 17946
to provide the results of the criminal records and background 17947
checks and the information required under that division to the 17948
qualified organization, the organization shall not authorize 17949
hosting with the host family. 17950

Sec. 2151.906. A qualified organization shall not authorize 17951
hosting with a host family if any person eighteen years of age or 17952

older who resides with the prospective host family previously has 17953
been convicted of or pleaded guilty to any of the violations 17954
described in division (A)(4) of section 109.572 of the Revised 17955
Code, unless all of the following conditions are satisfied: 17956

(A) If the offense was a misdemeanor, or would be a 17957
misdemeanor if the conviction occurred at the time that hosting is 17958
being considered, at least three years have elapsed from the date 17959
the person was fully discharged from any imprisonment or probation 17960
arising from the conviction. 17961

(B) If the offense was a felony, at least ten years have 17962
elapsed since the person was fully discharged from imprisonment or 17963
probation arising from the conviction. 17964

(C) The victim of the offense was not one of the following: 17965

(1) A person under the age of eighteen; 17966

(2) A functionally impaired person as defined in section 17967
2903.10 of the Revised Code; 17968

(3) A person with a developmental disability as defined in 17969
section 5123.01 of the Revised Code; 17970

(4) A person with a mental illness as defined in section 17971
5122.01 of the Revised Code; 17972

(5) A person sixty years of age or older. 17973

(D) Hosting in the host family's home will not jeopardize in 17974
any way the health, safety, or welfare of the child to be hosted. 17975
The following factors shall be considered in determining whether 17976
this condition is satisfied: 17977

(1) The person's age at the time of the offense; 17978

(2) The nature and seriousness of the offense; 17979

(3) The circumstances under which the offense was committed; 17980

<u>(4) The degree of participation of the person involved in the offense;</u>	17981 17982
<u>(5) The time elapsed since the person was fully discharged from imprisonment or probation;</u>	17983 17984
<u>(6) The likelihood that the circumstances leading to the offense will recur;</u>	17985 17986
<u>(7) Whether the person is a repeat offender;</u>	17987
<u>(8) The person's employment record;</u>	17988
<u>(9) The person's efforts at rehabilitation and the results of those efforts;</u>	17989 17990
<u>(10) Whether any criminal proceedings are pending against the person;</u>	17991 17992
<u>(11) Any other factors the qualified organization considers relevant.</u>	17993 17994
<u>Sec. 2151.907.</u> <u>The report of any criminal records check conducted pursuant to a request made under section 2151.904 of the Revised Code is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:</u>	17995 17996 17997 17998 17999
<u>(A) The person who is the subject of the criminal records check or the person's representative;</u>	18000 18001
<u>(B) The administrative director of the qualified organization or the director's representative;</u>	18002 18003
<u>(C) Any court, hearing officer, or other necessary individual involved in a case regarding a qualified organization's decision not to authorize hosting with the host family to which either of the following apply:</u>	18004 18005 18006 18007
<u>(1) The host family was subject to the criminal records check.</u>	18008 18009

(2) The host family resided with the person subject to the 18010
criminal records check. 18011

Sec. 2151.908. A qualified organization shall develop and 18012
implement written policies and procedures for employees, including 18013
policies and procedures on all of the following topics: 18014

(A) Familiarization of the employee with emergency and safety 18015
procedures; 18016

(B) The principles and practices of child care; 18017

(C) Administrative structure, procedures, and overall program 18018
goals of the qualified organization; 18019

(D) Appropriate techniques of behavior management; 18020

(E) Techniques and methodologies for crisis management; 18021

(F) Familiarization of the employee with the disciplinary 18022
procedures outlined in rule 5101:2-9-21 of the Ohio Administrative 18023
Code, the discipline and behavior intervention policies required 18024
by rule 5101:2-5-13 of the Ohio Administrative Code, and any other 18025
similar requirements; 18026

(G) Procedures for reporting suspected child abuse or neglect 18027
under section 2151.421 of the Revised Code; 18028

(H) An emergency medical plan; 18029

(I) Universal precautions; 18030

(J) Knowledge and skills to understand and address the issues 18031
confronting adolescents. 18032

Sec. 2151.909. A qualified organization shall develop and 18033
implement written policies and procedures for host family 18034
training. Training shall include all of the following topics: 18035

(A) The legal rights and responsibilities of host families; 18036

<u>(B) The qualified organization's policies and procedures regarding host families;</u>	18037 18038
<u>(C) The effects that separation and attachment issues have on children and their families;</u>	18039 18040
<u>(D) The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development, as well as information on reporting child abuse and neglect;</u>	18041 18042 18043 18044
<u>(E) Behavior management techniques;</u>	18045
<u>(F) Cultural competence;</u>	18046
<u>(G) Prevention, recognition, and management of communicable diseases;</u>	18047 18048
<u>(H) Community health and social services available to children and their families;</u>	18049 18050
<u>(I) Training on appropriate and positive behavioral intervention techniques;</u>	18051 18052
<u>(J) Education advocacy training.</u>	18053
<u>Sec. 2151.9010. A host family shall not be subject to certification or supervision by the director of job and family services under section 5103.03 of the Revised Code.</u>	18054 18055 18056
Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of	18057 18058 18059 18060 18061 18062 18063 18064 18065

section 2303.20 of the Revised Code. 18066

(2) All fees collected under division (A)(1) of this section 18067
shall be paid to the county treasurer. The treasurer shall place 18068
the funds from the fees in a separate fund to be disbursed either 18069
upon an order of the court, subject to an appropriation by the 18070
board of county commissioners, or upon an order of the court, 18071
subject to the court making an annual report available to the 18072
public listing the use of all such funds, in an amount not greater 18073
than the actual cost to the court of procuring and maintaining 18074
computerization of the court, computerized legal research 18075
services, or both. 18076

(3) If the court determines that the funds in the fund 18077
described in division (A)(2) of this section are more than 18078
sufficient to satisfy the purpose for which the additional fee 18079
described in division (A)(1) of this section was imposed, the 18080
court may declare a surplus in the fund and, subject to an 18081
appropriation by the board of county commissioners, expend those 18082
surplus funds, or upon an order of the court, subject to the court 18083
making an annual report available to the public listing the use of 18084
all such funds, expend those surplus funds, for other appropriate 18085
technological expenses of the court. 18086

(B)(1) The court of common pleas of any county may determine 18087
that, for the efficient operation of the court, additional funds 18088
are required to make technological advances in or to computerize 18089
the office of the clerk of the court of common pleas and, upon 18090
that determination, authorize and direct the clerk of the court of 18091
common pleas to charge an additional fee, not to exceed twenty 18092
dollars, on the filing of each cause of action or appeal, on the 18093
filing, docketing, and endorsing of each certificate of judgment, 18094
or on the docketing and indexing of each aid in execution or 18095
petition to vacate, revive, or modify a judgment under divisions 18096
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 18097

and not to exceed one dollar each for the services described in 18098
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 18099
the Revised Code. Subject to division (B)(2) of this section, all 18100
moneys collected under division (B)(1) of this section shall be 18101
paid to the county treasurer to be disbursed, upon an order of the 18102
court of common pleas and subject to appropriation by the board of 18103
county commissioners, in an amount no greater than the actual cost 18104
to the court of procuring and maintaining technology and computer 18105
systems for the office of the clerk of the court of common pleas. 18106

(2) If the court of common pleas of a county makes the 18107
determination described in division (B)(1) of this section, the 18108
board of county commissioners of that county may issue one or more 18109
general obligation bonds for the purpose of procuring and 18110
maintaining the technology and computer systems for the office of 18111
the clerk of the court of common pleas. In addition to the 18112
purposes stated in division (B)(1) of this section for which the 18113
moneys collected under that division may be expended, the moneys 18114
additionally may be expended to pay debt charges on and financing 18115
costs related to any general obligation bonds issued pursuant to 18116
division (B)(2) of this section as they become due. General 18117
obligation bonds issued pursuant to division (B)(2) of this 18118
section are Chapter 133. securities. 18119

(C) The court of common pleas shall collect the sum of 18120
twenty-six dollars as additional filing fees in each new civil 18121
action or proceeding for the charitable public purpose of 18122
providing financial assistance to legal aid societies that operate 18123
within the state and to support the office of the state public 18124
defender. This division does not apply to a juvenile division of a 18125
court of common pleas, except that an additional filing fee of 18126
fifteen dollars shall apply to custody, visitation, and parentage 18127
actions; to a probate division of a court of common pleas, except 18128
that the additional filing fees shall apply to name change, 18129

guardianship, adoption, and decedents' estate proceedings; or to 18130
an execution on a judgment, proceeding in aid of execution, or 18131
other post-judgment proceeding arising out of a civil action. The 18132
filing fees required to be collected under this division shall be 18133
in addition to any other filing fees imposed in the action or 18134
proceeding and shall be collected at the time of the filing of the 18135
action or proceeding. The court shall not waive the payment of the 18136
additional filing fees in a new civil action or proceeding unless 18137
the court waives the advanced payment of all filing fees in the 18138
action or proceeding. All such moneys collected during a month 18139
except for an amount equal to up to one per cent of those moneys 18140
retained to cover administrative costs shall be transmitted on or 18141
before the twentieth day of the following month by the clerk of 18142
the court to the treasurer of state in a manner prescribed by the 18143
treasurer of state or by the Ohio ~~legal assistance~~ access to 18144
justice foundation. The treasurer of state shall deposit four per 18145
cent of the funds collected under this division to the credit of 18146
the civil case filing fee fund established under section 120.07 of 18147
the Revised Code and ninety-six per cent of the funds collected 18148
under this division to the credit of the legal aid fund 18149
established under section 120.52 of the Revised Code. 18150

The court may retain up to one per cent of the moneys it 18151
collects under this division to cover administrative costs, 18152
including the hiring of any additional personnel necessary to 18153
implement this division. If the court fails to transmit to the 18154
treasurer of state the moneys the court collects under this 18155
division in a manner prescribed by the treasurer of state or by 18156
the Ohio ~~legal assistance~~ access to justice foundation, the court 18157
shall forfeit the moneys the court retains under this division to 18158
cover administrative costs, including the hiring of any additional 18159
personnel necessary to implement this division, and shall transmit 18160
to the treasurer of state all moneys collected under this 18161
division, including the forfeited amount retained for 18162

administrative costs, for deposit in the legal aid fund. 18163

(D) On and after the thirtieth day after December 9, 1994, 18164
the court of common pleas shall collect the sum of thirty-two 18165
dollars as additional filing fees in each new action or proceeding 18166
for annulment, divorce, or dissolution of marriage for the purpose 18167
of funding shelters for victims of domestic violence pursuant to 18168
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 18169
required to be collected under this division shall be in addition 18170
to any other filing fees imposed in the action or proceeding and 18171
shall be collected at the time of the filing of the action or 18172
proceeding. The court shall not waive the payment of the 18173
additional filing fees in a new action or proceeding for 18174
annulment, divorce, or dissolution of marriage unless the court 18175
waives the advanced payment of all filing fees in the action or 18176
proceeding. On or before the twentieth day of each month, all 18177
moneys collected during the immediately preceding month pursuant 18178
to this division shall be deposited by the clerk of the court into 18179
the county treasury in the special fund used for deposit of 18180
additional marriage license fees as described in section 3113.34 18181
of the Revised Code. Upon their deposit into the fund, the moneys 18182
shall be retained in the fund and expended only as described in 18183
section 3113.34 of the Revised Code. 18184

(E)(1) The court of common pleas may determine that, for the 18185
efficient operation of the court, additional funds are necessary 18186
to acquire and pay for special projects of the court, including, 18187
but not limited to, the acquisition of additional facilities or 18188
the rehabilitation of existing facilities, the acquisition of 18189
equipment, the hiring and training of staff, community service 18190
programs, mediation or dispute resolution services, the employment 18191
of magistrates, the training and education of judges, acting 18192
judges, and magistrates, and other related services. Upon that 18193
determination, the court by rule may charge a fee, in addition to 18194

all other court costs, on the filing of each criminal cause, civil 18195
action or proceeding, or judgment by confession. 18196

If the court of common pleas offers or requires a special 18197
program or additional services in cases of a specific type, the 18198
court by rule may assess an additional charge in a case of that 18199
type, over and above court costs, to cover the special program or 18200
service. The court shall adjust the special assessment 18201
periodically, but not retroactively, so that the amount assessed 18202
in those cases does not exceed the actual cost of providing the 18203
service or program. 18204

All moneys collected under division (E) of this section shall 18205
be paid to the county treasurer for deposit into either a general 18206
special projects fund or a fund established for a specific special 18207
project. Moneys from a fund of that nature shall be disbursed upon 18208
an order of the court, subject to an appropriation by the board of 18209
county commissioners, in an amount no greater than the actual cost 18210
to the court of a project. If a specific fund is terminated 18211
because of the discontinuance of a program or service established 18212
under division (E) of this section, the court may order, subject 18213
to an appropriation by the board of county commissioners, that 18214
moneys remaining in the fund be transferred to an account 18215
established under this division for a similar purpose. 18216

(2) As used in division (E) of this section: 18217

(a) "Criminal cause" means a charge alleging the violation of 18218
a statute or ordinance, or subsection of a statute or ordinance, 18219
that requires a separate finding of fact or a separate plea before 18220
disposition and of which the defendant may be found guilty, 18221
whether filed as part of a multiple charge on a single summons, 18222
citation, or complaint or as a separate charge on a single 18223
summons, citation, or complaint. "Criminal cause" does not include 18224
separate violations of the same statute or ordinance, or 18225
subsection of the same statute or ordinance, unless each charge is 18226

filed on a separate summons, citation, or complaint.	18227
(b) "Civil action or proceeding" means any civil litigation	18228
that must be determined by judgment entry.	18229
<u>Sec. 2305.011.</u> (A) As used in this section:	18230
(1) <u>"Nature" means the phenomena of the physical world</u>	18231
<u>collectively, including plants, animals, the landscape, other</u>	18232
<u>features and products of the earth, the natural environment or</u>	18233
<u>wilderness, and generally areas that are not human or human</u>	18234
<u>creations, have not been substantially altered by humans, or that</u>	18235
<u>persist despite human intervention.</u>	18236
(2) <u>"Ecosystem" means a complex community of living organisms</u>	18237
<u>in conjunction with their physical environments, all interacting</u>	18238
<u>and linked together as a system through nutrient cycles and energy</u>	18239
<u>flows in a particular unit of space.</u>	18240
(B) <u>Nature or any ecosystem does not have standing to</u>	18241
<u>participate in or bring an action in any court of common pleas.</u>	18242
(C)(1) <u>No person, on behalf of or representing nature or an</u>	18243
<u>ecosystem, shall bring an action in any court of common pleas.</u>	18244
(2) <u>No person shall bring an action in any court of common</u>	18245
<u>pleas against a person who is acting on behalf of or representing</u>	18246
<u>nature or an ecosystem.</u>	18247
(3) <u>No person, on behalf of or representing nature or an</u>	18248
<u>ecosystem, shall intervene in any manner, such as by filing a</u>	18249
<u>counterclaim, cross-claim, or third-party complaint, in any action</u>	18250
<u>brought in any court of common pleas.</u>	18251
(D) <u>Nothing in this section shall be construed to prevent the</u>	18252
<u>state or any of its agencies from enforcing the laws pertaining to</u>	18253
<u>environmental pollution, conservation, wild animals, or other</u>	18254
<u>natural communities or ecosystems.</u>	18255

Sec. 2305.231. (A) As used in this section:	18256
(1) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry.	18257 18258
(2) "Physician" means a person who holds a certificate issued by the state medical board <u>authorized under Chapter 4731. of the Revised Code</u> to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	18259 18260 18261 18262
(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code.	18263 18264
(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following:	18265 18266 18267
(a) Restore, remediate, or rehabilitate;	18268
(b) Improve functioning and independence;	18269
(c) Reduce or eliminate the effects of illness or disability.	18270
(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.	18271 18272 18273 18274 18275 18276 18277 18278 18279 18280 18281 18282 18283 18284
(C)(1) No physician who volunteers the physician's services	18285

as a camp physician at a camp that specializes in therapeutic 18286
recreation, and no registered nurse who volunteers the registered 18287
nurse's services at such a camp, is liable in damages in a civil 18288
action for either of the following: 18289

(a) Administering medical care, or emergency professional 18290
care, or first aid treatment to a participant in the camp or while 18291
the participant is being transported to a hospital, physician's or 18292
dentist's office, or other medical or dental facility; 18293

(b) Acts performed in administering that care or treatment. 18294

(2) Division (C)(1) of this section does not apply if the 18295
acts of the physician or registered nurse constitute willful or 18296
wanton misconduct. 18297

(D) This section does not apply if the administration of 18298
emergency medical care, emergency dental care, other emergency 18299
professional care, or first aid treatment is rendered for 18300
remuneration, or with the expectation of remuneration, from the 18301
recipient of the care or treatment or from someone on the 18302
recipient's behalf. 18303

Sec. 2305.41. As used in sections 2305.41 to 2305.49 of the 18304
Revised Code: 18305

(A) "Disabled condition" means the condition of being 18306
unconscious, semiconscious, incoherent, or otherwise incapacitated 18307
to communicate. 18308

(B) "Disabled person" means a person in a disabled condition. 18309

(C) "Emergency symbol" means the caduceus inscribed within a 18310
six-barred cross used by the American medical association to 18311
denote emergency information. 18312

(D) "Identifying device" means an identifying bracelet, 18313
necklace, metal tag, or similar device bearing the emergency 18314
symbol and the information needed in an emergency. 18315

(E) "Identification card" means any card containing the holder's name, type of medical condition, physician's name, and other medical information. "Identification card" does not include any license or permit issued pursuant to Chapter 4507. of the Revised Code.

(F) "Medical practitioner" means an individual ~~who holds a current valid certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the~~ to practice of medicine and surgery or osteopathic medicine and surgery.

(G) "Paramedic" has the meaning given in section 4765.01 of the Revised Code.

Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or

limit the authorization for performance of the procedure or 18347
procedures set forth in such written consent. 18348

(A) The consent sets forth in general terms the nature and 18349
purpose of the procedure or procedures, and what the procedures 18350
are expected to accomplish, together with the reasonably known 18351
risks, and, except in emergency situations, sets forth the names 18352
of the physicians who shall perform the intended surgical 18353
procedures. 18354

(B) The person making the consent acknowledges that such 18355
disclosure of information has been made and that all questions 18356
asked about the procedure or procedures have been answered in a 18357
satisfactory manner. 18358

(C) The consent is signed by the patient for whom the 18359
procedure is to be performed, or, if the patient for any reason 18360
including, but not limited to, competence, minority, or the fact 18361
that, at the latest time that the consent is needed, the patient 18362
is under the influence of alcohol, hallucinogens, or drugs, lacks 18363
legal capacity to consent, by a person who has legal authority to 18364
consent on behalf of such patient in such circumstances, including 18365
either of the following: 18366

(1) The parent, whether the parent is an adult or a minor, of 18367
the parent's minor child; 18368

(2) An adult whom the parent of the minor child has given 18369
written authorization to consent to a surgical or medical 18370
procedure or course of procedures for the parent's minor child. 18371

Any use of a consent form that fulfills the requirements 18372
stated in divisions (A), (B), and (C) of this section has no 18373
effect on the common law rights and liabilities, including the 18374
right of a physician to obtain the oral or implied consent of a 18375
patient to a medical procedure, that may exist as between 18376
physicians and patients on July 28, 1975. 18377

As used in this section the term "hospital" has the same 18378
meaning as in section 2305.113 of the Revised Code; "home health 18379
agency" has the same meaning as in section 5101.61 of the Revised 18380
Code; "ambulatory surgical facility" has the same meaning as in 18381
~~division (A)~~ of section 3702.30 of the Revised Code; and "hospice 18382
care program" and "pediatric respite care program" have the same 18383
meanings as in section 3712.01 of the Revised Code. The provisions 18384
of this division apply to hospitals, doctors of medicine, doctors 18385
of osteopathic medicine, and doctors of podiatric medicine. 18386

Sec. 2927.02. (A) As used in this section and sections 18387
2927.021 and 2927.022 of the Revised Code: 18388

(1) "Age verification" means a service provided by an 18389
independent third party (other than a manufacturer, producer, 18390
distributor, wholesaler, or retailer of cigarettes, other tobacco 18391
products, alternative nicotine products, or papers used to roll 18392
cigarettes) that compares information available from a 18393
commercially available database, or aggregate of databases, that 18394
regularly are used by government and businesses for the purpose of 18395
age and identity verification to personal information provided 18396
during an internet sale or other remote method of sale to 18397
establish that the purchaser is ~~eighteen~~ twenty-one years of age 18398
or older. 18399

(2)(a) "Alternative nicotine product" means, subject to 18400
division (A)(2)(b) of this section, an electronic ~~eigarette~~ 18401
smoking device, vapor product, or any other product or device that 18402
consists of or contains nicotine that can be ingested into the 18403
body by any means, including, but not limited to, chewing, 18404
smoking, absorbing, dissolving, or inhaling. 18405

(b) "Alternative nicotine product" does not include any of 18406
the following: 18407

(i) Any cigarette or other tobacco product; 18408

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1); 18409
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(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); 18411
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(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g). 18413
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~~(3) "Child" has the same meaning as in section 2151.011 of the Revised Code.~~ 18415
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~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled cigarettes. 18417
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~~(5)~~(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes. 18419
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~~(6)(a)~~(5) "Electronic cigarette smoking device" means, ~~subject to division (A)(6)(b) of this section, any electronic product or device that produces a vapor that delivers any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as including~~ an electronic cigarette, electronic cigar, electronic ~~cigarillo~~ hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). 18424
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~~(b) "Electronic cigarette" does not include any item,~~ 18439

~~product, or device described in divisions (A)(2)(b)(i) to (iv) of
this section.~~ 18440
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~~(7)(6)~~ "Proof of age" means a driver's license, a commercial 18442
driver's license, a military identification card, a passport, or 18443
an identification card issued under sections 4507.50 to 4507.52 of 18444
the Revised Code that shows that a person is eighteen years of age 18445
or older. 18446

~~(8)(7)~~ "Tobacco product" means any product that is made or 18447
derived from tobacco or that contains any form of nicotine, if it 18448
is intended for human consumption or is likely to be consumed, 18449
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 18450
ingested by any other means, including, but not limited to, a 18451
cigarette, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or 18452
snus. "Tobacco product" also means any component or accessory used 18453
in the consumption of a tobacco product, such as filters, rolling 18454
papers, pipes, blunt or hemp wraps, and liquids used in electronic 18455
smoking devices, whether or not they contain nicotine. "Tobacco 18456
product" does not include any product that is a drug, device, or 18457
combination product, as those terms are defined or described in 21 18458
U.S.C. 321 and 353(g). 18459

~~(9)(8)~~ "Vapor product" means a product, other than a 18460
cigarette or other tobacco product as defined in Chapter 5743. of 18461
the Revised Code, that contains or is made or derived from 18462
nicotine and that is intended and marketed for human consumption, 18463
including by smoking, inhaling, snorting, or sniffing. "Vapor 18464
product" includes any component, part, or additive that is 18465
intended for use in an electronic smoking device, a mechanical 18466
heating element, battery, or electronic circuit and is used to 18467
deliver the product. "Vapor product" does not include any product 18468
that is a drug, device, or combination product, as those terms are 18469
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 18470
includes any product containing nicotine, regardless of 18471

<u>concentration.</u>	18472
(9) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.	18473 18474
(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:	18475 18476 18477 18478 18479 18480 18481
(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any child <u>person under twenty-one years of age</u> ;	18482 18483 18484
(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a <u>legibly printed sign in letters at least one-half inch high</u> stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under eighteen <u>twenty-one</u> years of age is prohibited by law;	18485 18486 18487 18488 18489 18490 18491 18492
(3) Knowingly furnish any false information regarding the name, age, or other identification of any child <u>person under twenty-one years of age</u> with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that child <u>person</u> ;	18493 18494 18495 18496 18497
(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;	18498 18499 18500 18501
(5) Sell cigarettes or alternative nicotine products in a	18502

smaller quantity than that placed in the pack or other container 18503
by the manufacturer; 18504

(6) Give, sell, or otherwise distribute alternative nicotine 18505
products, papers used to roll cigarettes, or tobacco products 18506
other than cigarettes over the internet or through another remote 18507
method without age verification. 18508

(C) No person shall sell or offer to sell cigarettes, other 18509
tobacco products, or alternative nicotine products by or from a 18510
vending machine, except in the following locations: 18511

(1) An area within a factory, business, office, or other 18512
place not open to the general public; 18513

(2) An area to which ~~children~~ persons under twenty-one years 18514
of age are not generally permitted access; 18515

(3) Any other place not identified in division (C)(1) or (2) 18516
of this section, upon all of the following conditions: 18517

(a) The vending machine is located within the immediate 18518
vicinity, plain view, and control of the person who owns or 18519
operates the place, or an employee of that person, so that all 18520
cigarettes, other tobacco product, and alternative nicotine 18521
product purchases from the vending machine will be readily 18522
observed by the person who owns or operates the place or an 18523
employee of that person. For the purpose of this section, a 18524
vending machine located in any unmonitored area, including an 18525
unmonitored coatroom, restroom, hallway, or outer waiting area, 18526
shall not be considered located within the immediate vicinity, 18527
plain view, and control of the person who owns or operates the 18528
place, or an employee of that person. 18529

(b) The vending machine is inaccessible to the public when 18530
the place is closed. 18531

(c) A clearly visible notice is posted in the area where the 18532

vending machine is located that states the following in letters 18533
that are legibly printed and at least one-half inch high: 18534

"It is illegal for any person under the age of 21 to purchase 18535
tobacco or alternative nicotine products." 18536

(D) The following are affirmative defenses to a charge under 18537
division (B)(1) of this section: 18538

(1) The ~~child~~ person under twenty-one years of age was 18539
accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years 18540
of age or older, or legal guardian of the ~~child~~ person under 18541
twenty-one years of age. 18542

(2) The person who gave, sold, or distributed cigarettes, 18543
other tobacco products, alternative nicotine products, or papers 18544
used to roll cigarettes to a ~~child~~ person under twenty-one years 18545
of age under division (B)(1) of this section is a parent, spouse 18546
who is ~~eighteen~~ twenty-one years of age or older, or legal 18547
guardian of the ~~child~~ person under twenty-one years of age. 18548

(E) It is not a violation of division (B)(1) or (2) of this 18549
section for a person to give or otherwise distribute to a ~~child~~ 18550
person under twenty-one years of age cigarettes, other tobacco 18551
products, alternative nicotine products, or papers used to roll 18552
cigarettes while the ~~child~~ person under twenty-one years of age is 18553
participating in a research protocol if all of the following 18554
apply: 18555

(1) The parent, guardian, or legal custodian of the ~~child~~ 18556
person under twenty-one years of age has consented in writing to 18557
the ~~child~~ person under twenty-one years of age participating in 18558
the research protocol. 18559

(2) An institutional human subjects protection review board, 18560
or an equivalent entity, has approved the research protocol. 18561

(3) The ~~child~~ person under twenty-one years of age is 18562

participating in the research protocol at the facility or location 18563
specified in the research protocol. 18564

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 18565
(6) or (C) of this section is guilty of illegal distribution of 18566
cigarettes, other tobacco products, or alternative nicotine 18567
products. Except as otherwise provided in this division, illegal 18568
distribution of cigarettes, other tobacco products, or alternative 18569
nicotine products is a misdemeanor of the fourth degree. If the 18570
offender previously has been convicted of a violation of division 18571
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 18572
distribution of cigarettes, other tobacco products, or alternative 18573
nicotine products is a misdemeanor of the third degree. 18574

(2) Whoever violates division (B)(3) of this section is 18575
guilty of permitting ~~children~~ a person under twenty-one years of 18576
age to use cigarettes, other tobacco products, or alternative 18577
nicotine products. Except as otherwise provided in this division, 18578
permitting ~~children~~ a person under twenty-one years of age to use 18579
cigarettes, other tobacco products, or alternative nicotine 18580
products is a misdemeanor of the fourth degree. If the offender 18581
previously has been convicted of a violation of division (B)(3) of 18582
this section, permitting ~~children~~ a person under twenty-one years 18583
of age to use cigarettes, other tobacco products, or alternative 18584
nicotine products is a misdemeanor of the third degree. 18585

(G) Any cigarettes, other tobacco products, alternative 18586
nicotine products, or papers used to roll cigarettes that are 18587
given, sold, or otherwise distributed to a ~~child~~ person under 18588
twenty-one years of age in violation of this section and that are 18589
used, possessed, purchased, or received by a ~~child~~ person under 18590
twenty-one years of age in violation of section 2151.87 of the 18591
Revised Code are subject to seizure and forfeiture as contraband 18592
under Chapter 2981. of the Revised Code. 18593

Sec. 2927.022. (A) A seller or an agent or employee of a 18594
seller may not be found guilty of a charge of a violation of 18595
section 2927.02 of the Revised Code in which the age of the 18596
purchaser or other recipient of cigarettes, other tobacco 18597
products, or alternative nicotine products is an element of the 18598
alleged violation, if the seller, agent, or employee raises and 18599
proves as an affirmative defense that all of the following 18600
occurred: 18601

(1) A card holder attempting to purchase or receive 18602
cigarettes, other tobacco products, or alternative nicotine 18603
products presented a driver's or commercial driver's license or an 18604
identification card. 18605

(2) A transaction scan of the driver's or commercial driver's 18606
license or identification card that the card holder presented 18607
indicated that the license or card was valid. 18608

(3) The cigarettes, other tobacco products, or alternative 18609
nicotine products were sold, given away, or otherwise distributed 18610
to the card holder in reasonable reliance upon the identification 18611
presented and the completed transaction scan. 18612

(B) In determining whether a seller or an agent or employee 18613
of a seller has proven the affirmative defense provided by 18614
division (A) of this section, the trier of fact in the action for 18615
the alleged violation of section 2927.02 of the Revised Code shall 18616
consider any written policy that the seller has adopted and 18617
implemented and that is intended to prevent violations of section 18618
2927.02 of the Revised Code. For purposes of division (A)(3) of 18619
this section, the trier of fact shall consider that reasonable 18620
reliance upon the identification presented and the completed 18621
transaction scan may require a seller or an agent or employee of a 18622
seller to exercise reasonable diligence to determine, and that the 18623
use of a transaction scan device does not excuse a seller or an 18624

agent or employee of a seller from exercising reasonable diligence 18625
to determine, the following: 18626

(1) Whether a person to whom the seller or agent or employee 18627
of a seller sells, gives away, or otherwise distributes 18628
cigarettes, other tobacco products, or alternative nicotine 18629
products is ~~eighteen~~ twenty-one years of age or older; 18630

(2) Whether the description and picture appearing on the 18631
driver's or commercial driver's license or identification card 18632
presented by a card holder is that of the card holder. 18633

(C) In any criminal action in which the affirmative defense 18634
provided by division (A) of this section is raised, the registrar 18635
of motor vehicles or a deputy registrar who issued an 18636
identification card under sections 4507.50 to 4507.52 of the 18637
Revised Code shall be permitted to submit certified copies of the 18638
records of that issuance in lieu of the testimony of the personnel 18639
of or contractors with the bureau of motor vehicles in the action. 18640

Sec. 2929.13. (A) Except as provided in division (E), (F), or 18641
(G) of this section and unless a specific sanction is required to 18642
be imposed or is precluded from being imposed pursuant to law, a 18643
court that imposes a sentence upon an offender for a felony may 18644
impose any sanction or combination of sanctions on the offender 18645
that are provided in sections 2929.14 to 2929.18 of the Revised 18646
Code. 18647

If the offender is eligible to be sentenced to community 18648
control sanctions, the court shall consider the appropriateness of 18649
imposing a financial sanction pursuant to section 2929.18 of the 18650
Revised Code or a sanction of community service pursuant to 18651
section 2929.17 of the Revised Code as the sole sanction for the 18652
offense. Except as otherwise provided in this division, if the 18653
court is required to impose a mandatory prison term for the 18654
offense for which sentence is being imposed, the court also shall 18655

impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall

sentence the offender to a community control sanction or 18688
combination of community control sanctions if all of the following 18689
apply: 18690

(i) The offender previously has not been convicted of or 18691
pleaded guilty to a felony offense. 18692

(ii) The most serious charge against the offender at the time 18693
of sentencing is a felony of the fourth or fifth degree. 18694

~~(iii) If the court made a request of the department of 18695
rehabilitation and correction pursuant to division (B)(1)(c) of 18696
this section, the department, within the forty five day period 18697
specified in that division, provided the court with the names of, 18698
contact information for, and program details of one or more 18699
community control sanctions that are available for persons 18700
sentenced by the court. 18701~~

~~(iv) The offender previously has not been convicted of or 18702
pleaded guilty to a misdemeanor offense of violence that the 18703
offender committed within two years prior to the offense for which 18704
sentence is being imposed. 18705~~

(b) The court has discretion to impose a prison term upon an 18706
offender who is convicted of or pleads guilty to a felony of the 18707
fourth or fifth degree that is not an offense of violence or that 18708
is a qualifying assault offense if any of the following apply: 18709

(i) The offender committed the offense while having a firearm 18710
on or about the offender's person or under the offender's control. 18711

(ii) If the offense is a qualifying assault offense, the 18712
offender caused serious physical harm to another person while 18713
committing the offense, and, if the offense is not a qualifying 18714
assault offense, the offender caused physical harm to another 18715
person while committing the offense. 18716

(iii) The offender violated a term of the conditions of bond 18717

as set by the court. 18718

~~(iv) The court made a request of the department of 18719
rehabilitation and correction pursuant to division (B)(1)(c) of 18720
this section, and the department, within the forty five day period 18721
specified in that division, did not provide the court with the 18722
name of, contact information for, and program details of any 18723
community control sanction that is available for persons sentenced 18724
by the court. 18725~~

~~(v) The offense is a sex offense that is a fourth or fifth 18726
degree felony violation of any provision of Chapter 2907. of the 18727
Revised Code. 18728~~

~~(vi)(v) In committing the offense, the offender attempted to 18729
cause or made an actual threat of physical harm to a person with a 18730
deadly weapon. 18731~~

~~(vii)(vi) In committing the offense, the offender attempted 18732
to cause or made an actual threat of physical harm to a person, 18733
and the offender previously was convicted of an offense that 18734
caused physical harm to a person. 18735~~

~~(viii)(vii) The offender held a public office or position of 18736
trust, and the offense related to that office or position; the 18737
offender's position obliged the offender to prevent the offense or 18738
to bring those committing it to justice; or the offender's 18739
professional reputation or position facilitated the offense or was 18740
likely to influence the future conduct of others. 18741~~

~~(ix)(viii) The offender committed the offense for hire or as 18742
part of an organized criminal activity. 18743~~

~~(x)(ix) The offender at the time of the offense was serving, 18744
or the offender previously had served, a prison term. 18745~~

~~(xi)(x) The offender committed the offense while under a 18746
community control sanction, while on probation, or while released 18747~~

from custody on a bond or personal recognizance. 18748

~~(c) If a court that is sentencing an offender who is 18749
convicted of or pleads guilty to a felony of the fourth or fifth 18750
degree that is not an offense of violence or that is a qualifying 18751
assault offense believes that no community control sanctions are 18752
available for its use that, if imposed on the offender, will 18753
adequately fulfill the overriding principles and purposes of 18754
sentencing, the court shall contact the department of 18755
rehabilitation and correction and ask the department to provide 18756
the court with the names of, contact information for, and program 18757
details of one or more community control sanctions that are 18758
available for persons sentenced by the court. Not later than 18759
forty five days after receipt of a request from a court under this 18760
division, the department shall provide the court with the names 18761
of, contact information for, and program details of one or more 18762
community control sanctions that are available for persons 18763
sentenced by the court, if any. Upon making a request under this 18764
division that relates to a particular offender, a court shall 18765
defer sentencing of that offender until it receives from the 18766
department the names of, contact information for, and program 18767
details of one or more community control sanctions that are 18768
available for persons sentenced by the court or for forty five 18769
days, whichever is the earlier. 18770~~

~~If the department provides the court with the names of, 18771
contact information for, and program details of one or more 18772
community control sanctions that are available for persons 18773
sentenced by the court within the forty five day period specified 18774
in this division, the court shall impose upon the offender a 18775
community control sanction under division (B)(1)(a) of this 18776
section, except that the court may impose a prison term under 18777
division (B)(1)(b) of this section if a factor described in 18778
division (B)(1)(b)(i) or (ii) of this section applies. If the 18779~~

~~department does not provide the court with the names of, contact 18780
information for, and program details of one or more community 18781
control sanctions that are available for persons sentenced by the 18782
court within the forty five day period specified in this division, 18783
the court may impose upon the offender a prison term under 18784
division (B)(1)(b)(iv) of this section. 18785~~

~~(d) A sentencing court may impose an additional penalty under 18786
division (B) of section 2929.15 of the Revised Code upon an 18787
offender sentenced to a community control sanction under division 18788
(B)(1)(a) of this section if the offender violates the conditions 18789
of the community control sanction, violates a law, or leaves the 18790
state without the permission of the court or the offender's 18791
probation officer. 18792~~

(2) If division (B)(1) of this section does not apply, except 18793
as provided in division (E), (F), or (G) of this section, in 18794
determining whether to impose a prison term as a sanction for a 18795
felony of the fourth or fifth degree, the sentencing court shall 18796
comply with the purposes and principles of sentencing under 18797
section 2929.11 of the Revised Code and with section 2929.12 of 18798
the Revised Code. 18799

(C) Except as provided in division (D), (E), (F), or (G) of 18800
this section, in determining whether to impose a prison term as a 18801
sanction for a felony of the third degree or a felony drug offense 18802
that is a violation of a provision of Chapter 2925. of the Revised 18803
Code and that is specified as being subject to this division for 18804
purposes of sentencing, the sentencing court shall comply with the 18805
purposes and principles of sentencing under section 2929.11 of the 18806
Revised Code and with section 2929.12 of the Revised Code. 18807

(D)(1) Except as provided in division (E) or (F) of this 18808
section, for a felony of the first or second degree, for a felony 18809
drug offense that is a violation of any provision of Chapter 18810
2925., 3719., or 4729. of the Revised Code for which a presumption 18811

in favor of a prison term is specified as being applicable, and 18812
for a violation of division (A)(4) or (B) of section 2907.05 of 18813
the Revised Code for which a presumption in favor of a prison term 18814
is specified as being applicable, it is presumed that a prison 18815
term is necessary in order to comply with the purposes and 18816
principles of sentencing under section 2929.11 of the Revised 18817
Code. Division (D)(2) of this section does not apply to a 18818
presumption established under this division for a violation of 18819
division (A)(4) of section 2907.05 of the Revised Code. 18820

(2) Notwithstanding the presumption established under 18821
division (D)(1) of this section for the offenses listed in that 18822
division other than a violation of division (A)(4) or (B) of 18823
section 2907.05 of the Revised Code, the sentencing court may 18824
impose a community control sanction or a combination of community 18825
control sanctions instead of a prison term on an offender for a 18826
felony of the first or second degree or for a felony drug offense 18827
that is a violation of any provision of Chapter 2925., 3719., or 18828
4729. of the Revised Code for which a presumption in favor of a 18829
prison term is specified as being applicable if it makes both of 18830
the following findings: 18831

(a) A community control sanction or a combination of 18832
community control sanctions would adequately punish the offender 18833
and protect the public from future crime, because the applicable 18834
factors under section 2929.12 of the Revised Code indicating a 18835
lesser likelihood of recidivism outweigh the applicable factors 18836
under that section indicating a greater likelihood of recidivism. 18837

(b) A community control sanction or a combination of 18838
community control sanctions would not demean the seriousness of 18839
the offense, because one or more factors under section 2929.12 of 18840
the Revised Code that indicate that the offender's conduct was 18841
less serious than conduct normally constituting the offense are 18842
applicable, and they outweigh the applicable factors under that 18843

section that indicate that the offender's conduct was more serious 18844
than conduct normally constituting the offense. 18845

(E)(1) Except as provided in division (F) of this section, 18846
for any drug offense that is a violation of any provision of 18847
Chapter 2925. of the Revised Code and that is a felony of the 18848
third, fourth, or fifth degree, the applicability of a presumption 18849
under division (D) of this section in favor of a prison term or of 18850
division (B) or (C) of this section in determining whether to 18851
impose a prison term for the offense shall be determined as 18852
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 18853
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 18854
Revised Code, whichever is applicable regarding the violation. 18855

(2) If an offender who was convicted of or pleaded guilty to 18856
a felony violates the conditions of a community control sanction 18857
imposed for the offense solely by reason of producing positive 18858
results on a drug test or by acting pursuant to division (B)(2)(b) 18859
of section 2925.11 of the Revised Code with respect to a minor 18860
drug possession offense, the court, as punishment for the 18861
violation of the sanction, shall not order that the offender be 18862
imprisoned unless the court determines on the record either of the 18863
following: 18864

(a) The offender had been ordered as a sanction for the 18865
felony to participate in a drug treatment program, in a drug 18866
education program, or in narcotics anonymous or a similar program, 18867
and the offender continued to use illegal drugs after a reasonable 18868
period of participation in the program. 18869

(b) The imprisonment of the offender for the violation is 18870
consistent with the purposes and principles of sentencing set 18871
forth in section 2929.11 of the Revised Code. 18872

(3) A court that sentences an offender for a drug abuse 18873
offense that is a felony of the third, fourth, or fifth degree may 18874

require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim

is less than thirteen years of age and if any of the following 18907
applies: 18908

(a) Regarding gross sexual imposition, the offender 18909
previously was convicted of or pleaded guilty to rape, the former 18910
offense of felonious sexual penetration, gross sexual imposition, 18911
or sexual battery, and the victim of the previous offense was less 18912
than thirteen years of age; 18913

(b) Regarding gross sexual imposition, the offense was 18914
committed on or after August 3, 2006, and evidence other than the 18915
testimony of the victim was admitted in the case corroborating the 18916
violation. 18917

(c) Regarding sexual battery, either of the following 18918
applies: 18919

(i) The offense was committed prior to August 3, 2006, the 18920
offender previously was convicted of or pleaded guilty to rape, 18921
the former offense of felonious sexual penetration, or sexual 18922
battery, and the victim of the previous offense was less than 18923
thirteen years of age. 18924

(ii) The offense was committed on or after August 3, 2006. 18925

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 18926
2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 18927
of the Revised Code if the section requires the imposition of a 18928
prison term; 18929

(5) A first, second, or third degree felony drug offense for 18930
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 18931
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 18932
4729.99 of the Revised Code, whichever is applicable regarding the 18933
violation, requires the imposition of a mandatory prison term; 18934

(6) Any offense that is a first or second degree felony and 18935
that is not set forth in division (F)(1), (2), (3), or (4) of this 18936

section, if the offender previously was convicted of or pleaded 18937
guilty to aggravated murder, murder, any first or second degree 18938
felony, or an offense under an existing or former law of this 18939
state, another state, or the United States that is or was 18940
substantially equivalent to one of those offenses; 18941

(7) Any offense that is a third degree felony and either is a 18942
violation of section 2903.04 of the Revised Code or an attempt to 18943
commit a felony of the second degree that is an offense of 18944
violence and involved an attempt to cause serious physical harm to 18945
a person or that resulted in serious physical harm to a person if 18946
the offender previously was convicted of or pleaded guilty to any 18947
of the following offenses: 18948

(a) Aggravated murder, murder, involuntary manslaughter, 18949
rape, felonious sexual penetration as it existed under section 18950
2907.12 of the Revised Code prior to September 3, 1996, a felony 18951
of the first or second degree that resulted in the death of a 18952
person or in physical harm to a person, or complicity in or an 18953
attempt to commit any of those offenses; 18954

(b) An offense under an existing or former law of this state, 18955
another state, or the United States that is or was substantially 18956
equivalent to an offense listed in division (F)(7)(a) of this 18957
section that resulted in the death of a person or in physical harm 18958
to a person. 18959

(8) Any offense, other than a violation of section 2923.12 of 18960
the Revised Code, that is a felony, if the offender had a firearm 18961
on or about the offender's person or under the offender's control 18962
while committing the felony, with respect to a portion of the 18963
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 18964
of the Revised Code for having the firearm; 18965

(9) Any offense of violence that is a felony, if the offender 18966
wore or carried body armor while committing the felony offense of 18967

violence, with respect to the portion of the sentence imposed 18968
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 18969
Code for wearing or carrying the body armor; 18970

(10) Corrupt activity in violation of section 2923.32 of the 18971
Revised Code when the most serious offense in the pattern of 18972
corrupt activity that is the basis of the offense is a felony of 18973
the first degree; 18974

(11) Any violent sex offense or designated homicide, assault, 18975
or kidnapping offense if, in relation to that offense, the 18976
offender is adjudicated a sexually violent predator; 18977

(12) A violation of division (A)(1) or (2) of section 2921.36 18978
of the Revised Code, or a violation of division (C) of that 18979
section involving an item listed in division (A)(1) or (2) of that 18980
section, if the offender is an officer or employee of the 18981
department of rehabilitation and correction; 18982

(13) A violation of division (A)(1) or (2) of section 2903.06 18983
of the Revised Code if the victim of the offense is a peace 18984
officer, as defined in section 2935.01 of the Revised Code, or an 18985
investigator of the bureau of criminal identification and 18986
investigation, as defined in section 2903.11 of the Revised Code, 18987
with respect to the portion of the sentence imposed pursuant to 18988
division (B)(5) of section 2929.14 of the Revised Code; 18989

(14) A violation of division (A)(1) or (2) of section 2903.06 18990
of the Revised Code if the offender has been convicted of or 18991
pleaded guilty to three or more violations of division (A) or (B) 18992
of section 4511.19 of the Revised Code or an equivalent offense, 18993
as defined in section 2941.1415 of the Revised Code, or three or 18994
more violations of any combination of those divisions and 18995
offenses, with respect to the portion of the sentence imposed 18996
pursuant to division (B)(6) of section 2929.14 of the Revised 18997
Code; 18998

(15) Kidnapping, in the circumstances specified in section 18999
2971.03 of the Revised Code and when no other provision of 19000
division (F) of this section applies; 19001

(16) Kidnapping, abduction, compelling prostitution, 19002
promoting prostitution, engaging in a pattern of corrupt activity, 19003
a violation of division (A)(1) or (2) of section 2907.323 of the 19004
Revised Code that involves a minor, or endangering children in 19005
violation of division (B)(1), (2), (3), (4), or (5) of section 19006
2919.22 of the Revised Code, if the offender is convicted of or 19007
pleads guilty to a specification as described in section 2941.1422 19008
of the Revised Code that was included in the indictment, count in 19009
the indictment, or information charging the offense; 19010

(17) A felony violation of division (A) or (B) of section 19011
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 19012
that section, and division (D)(6) of that section, require the 19013
imposition of a prison term; 19014

(18) A felony violation of section 2903.11, 2903.12, or 19015
2903.13 of the Revised Code, if the victim of the offense was a 19016
woman that the offender knew was pregnant at the time of the 19017
violation, with respect to a portion of the sentence imposed 19018
pursuant to division (B)(8) of section 2929.14 of the Revised 19019
Code; 19020

(19)(a) Any violent felony offense if the offender is a 19021
violent career criminal and had a firearm on or about the 19022
offender's person or under the offender's control during the 19023
commission of the violent felony offense and displayed or 19024
brandished the firearm, indicated that the offender possessed a 19025
firearm, or used the firearm to facilitate the offense, with 19026
respect to the portion of the sentence imposed under division (K) 19027
of section 2929.14 of the Revised Code. 19028

(b) As used in division (F)(19)(a) of this section, "violent 19029

career criminal" and "violent felony offense" have the same 19030
meanings as in section 2923.132 of the Revised Code; 19031

(20) Any violation of division (A)(1) of section 2903.11 of 19032
the Revised Code if the offender used an accelerant in committing 19033
the violation and the serious physical harm to another or 19034
another's unborn caused by the violation resulted in a permanent, 19035
serious disfigurement or permanent, substantial incapacity or any 19036
violation of division (A)(2) of that section if the offender used 19037
an accelerant in committing the violation, the violation caused 19038
physical harm to another or another's unborn, and the physical 19039
harm resulted in a permanent, serious disfigurement or permanent, 19040
substantial incapacity, with respect to a portion of the sentence 19041
imposed pursuant to division (B)(9) of section 2929.14 of the 19042
Revised Code. The provisions of this division and of division 19043
(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 19044
2929.14, and section 2941.1425 of the Revised Code shall be known 19045
as "Judy's Law." 19046

(21) Any violation of division (A) of section 2903.11 of the 19047
Revised Code if the victim of the offense suffered permanent 19048
disabling harm as a result of the offense and the victim was under 19049
ten years of age at the time of the offense, with respect to a 19050
portion of the sentence imposed pursuant to division (B)(10) of 19051
section 2929.14 of the Revised Code. 19052

(22) A felony violation of section 2925.03, 2925.05, or 19053
2925.11 of the Revised Code, if the drug involved in the violation 19054
is a fentanyl-related compound or a compound, mixture, 19055
preparation, or substance containing a fentanyl-related compound 19056
and the offender is convicted of or pleads guilty to a 19057
specification of the type described in division (B) of section 19058
2941.1410 of the Revised Code that was included in the indictment, 19059
count in the indictment, or information charging the offense, with 19060
respect to the portion of the sentence imposed under division 19061

(B)(11) of section 2929.14 of the Revised Code. 19062

(G) Notwithstanding divisions (A) to (E) of this section, if 19063
an offender is being sentenced for a fourth degree felony OVI 19064
offense or for a third degree felony OVI offense, the court shall 19065
impose upon the offender a mandatory term of local incarceration 19066
or a mandatory prison term in accordance with the following: 19067

(1) If the offender is being sentenced for a fourth degree 19068
felony OVI offense and if the offender has not been convicted of 19069
and has not pleaded guilty to a specification of the type 19070
described in section 2941.1413 of the Revised Code, the court may 19071
impose upon the offender a mandatory term of local incarceration 19072
of sixty days or one hundred twenty days as specified in division 19073
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 19074
not reduce the term pursuant to section 2929.20, 2967.193, or any 19075
other provision of the Revised Code. The court that imposes a 19076
mandatory term of local incarceration under this division shall 19077
specify whether the term is to be served in a jail, a 19078
community-based correctional facility, a halfway house, or an 19079
alternative residential facility, and the offender shall serve the 19080
term in the type of facility specified by the court. A mandatory 19081
term of local incarceration imposed under division (G)(1) of this 19082
section is not subject to any other Revised Code provision that 19083
pertains to a prison term except as provided in division (A)(1) of 19084
this section. 19085

(2) If the offender is being sentenced for a third degree 19086
felony OVI offense, or if the offender is being sentenced for a 19087
fourth degree felony OVI offense and the court does not impose a 19088
mandatory term of local incarceration under division (G)(1) of 19089
this section, the court shall impose upon the offender a mandatory 19090
prison term of one, two, three, four, or five years if the 19091
offender also is convicted of or also pleads guilty to a 19092
specification of the type described in section 2941.1413 of the 19093

Revised Code or shall impose upon the offender a mandatory prison 19094
term of sixty days or one hundred twenty days as specified in 19095
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 19096
if the offender has not been convicted of and has not pleaded 19097
guilty to a specification of that type. Subject to divisions (C) 19098
to (I) of section 2967.19 of the Revised Code, the court shall not 19099
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 19100
any other provision of the Revised Code. The offender shall serve 19101
the one-, two-, three-, four-, or five-year mandatory prison term 19102
consecutively to and prior to the prison term imposed for the 19103
underlying offense and consecutively to any other mandatory prison 19104
term imposed in relation to the offense. In no case shall an 19105
offender who once has been sentenced to a mandatory term of local 19106
incarceration pursuant to division (G)(1) of this section for a 19107
fourth degree felony OVI offense be sentenced to another mandatory 19108
term of local incarceration under that division for any violation 19109
of division (A) of section 4511.19 of the Revised Code. In 19110
addition to the mandatory prison term described in division (G)(2) 19111
of this section, the court may sentence the offender to a 19112
community control sanction under section 2929.16 or 2929.17 of the 19113
Revised Code, but the offender shall serve the prison term prior 19114
to serving the community control sanction. The department of 19115
rehabilitation and correction may place an offender sentenced to a 19116
mandatory prison term under this division in an intensive program 19117
prison established pursuant to section 5120.033 of the Revised 19118
Code if the department gave the sentencing judge prior notice of 19119
its intent to place the offender in an intensive program prison 19120
established under that section and if the judge did not notify the 19121
department that the judge disapproved the placement. Upon the 19122
establishment of the initial intensive program prison pursuant to 19123
section 5120.033 of the Revised Code that is privately operated 19124
and managed by a contractor pursuant to a contract entered into 19125
under section 9.06 of the Revised Code, both of the following 19126

apply: 19127

(a) The department of rehabilitation and correction shall 19128
make a reasonable effort to ensure that a sufficient number of 19129
offenders sentenced to a mandatory prison term under this division 19130
are placed in the privately operated and managed prison so that 19131
the privately operated and managed prison has full occupancy. 19132

(b) Unless the privately operated and managed prison has full 19133
occupancy, the department of rehabilitation and correction shall 19134
not place any offender sentenced to a mandatory prison term under 19135
this division in any intensive program prison established pursuant 19136
to section 5120.033 of the Revised Code other than the privately 19137
operated and managed prison. 19138

(H) If an offender is being sentenced for a sexually oriented 19139
offense or child-victim oriented offense that is a felony 19140
committed on or after January 1, 1997, the judge shall require the 19141
offender to submit to a DNA specimen collection procedure pursuant 19142
to section 2901.07 of the Revised Code. 19143

(I) If an offender is being sentenced for a sexually oriented 19144
offense or a child-victim oriented offense committed on or after 19145
January 1, 1997, the judge shall include in the sentence a summary 19146
of the offender's duties imposed under sections 2950.04, 2950.041, 19147
2950.05, and 2950.06 of the Revised Code and the duration of the 19148
duties. The judge shall inform the offender, at the time of 19149
sentencing, of those duties and of their duration. If required 19150
under division (A)(2) of section 2950.03 of the Revised Code, the 19151
judge shall perform the duties specified in that section, or, if 19152
required under division (A)(6) of section 2950.03 of the Revised 19153
Code, the judge shall perform the duties specified in that 19154
division. 19155

(J)(1) Except as provided in division (J)(2) of this section, 19156
when considering sentencing factors under this section in relation 19157

to an offender who is convicted of or pleads guilty to an attempt 19158
to commit an offense in violation of section 2923.02 of the 19159
Revised Code, the sentencing court shall consider the factors 19160
applicable to the felony category of the violation of section 19161
2923.02 of the Revised Code instead of the factors applicable to 19162
the felony category of the offense attempted. 19163

(2) When considering sentencing factors under this section in 19164
relation to an offender who is convicted of or pleads guilty to an 19165
attempt to commit a drug abuse offense for which the penalty is 19166
determined by the amount or number of unit doses of the controlled 19167
substance involved in the drug abuse offense, the sentencing court 19168
shall consider the factors applicable to the felony category that 19169
the drug abuse offense attempted would be if that drug abuse 19170
offense had been committed and had involved an amount or number of 19171
unit doses of the controlled substance that is within the next 19172
lower range of controlled substance amounts than was involved in 19173
the attempt. 19174

(K) As used in this section: 19175

(1) "Community addiction services provider" has the same 19176
meaning as in section 5119.01 of the Revised Code. 19177

(2) "Drug abuse offense" has the same meaning as in section 19178
2925.01 of the Revised Code. 19179

(3) "Minor drug possession offense" has the same meaning as 19180
in section 2925.11 of the Revised Code. 19181

(4) "Qualifying assault offense" means a violation of section 19182
2903.13 of the Revised Code for which the penalty provision in 19183
division (C)(8)(b) or (C)(9)(b) of that section applies. 19184

(L) At the time of sentencing an offender for any sexually 19185
oriented offense, if the offender is a tier III sex 19186
offender/child-victim offender relative to that offense and the 19187
offender does not serve a prison term or jail term, the court may 19188

require that the offender be monitored by means of a global 19189
positioning device. If the court requires such monitoring, the 19190
cost of monitoring shall be borne by the offender. If the offender 19191
is indigent, the cost of compliance shall be paid by the crime 19192
victims reparations fund. 19193

Sec. 2929.15. (A)(1) If in sentencing an offender for a 19194
felony the court is not required to impose a prison term, a 19195
mandatory prison term, or a term of life imprisonment upon the 19196
offender, the court may directly impose a sentence that consists 19197
of one or more community control sanctions authorized pursuant to 19198
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 19199
court is sentencing an offender for a fourth degree felony OVI 19200
offense under division (G)(1) of section 2929.13 of the Revised 19201
Code, in addition to the mandatory term of local incarceration 19202
imposed under that division and the mandatory fine required by 19203
division (B)(3) of section 2929.18 of the Revised Code, the court 19204
may impose upon the offender a community control sanction or 19205
combination of community control sanctions in accordance with 19206
sections 2929.16 and 2929.17 of the Revised Code. If the court is 19207
sentencing an offender for a third or fourth degree felony OVI 19208
offense under division (G)(2) of section 2929.13 of the Revised 19209
Code, in addition to the mandatory prison term or mandatory prison 19210
term and additional prison term imposed under that division, the 19211
court also may impose upon the offender a community control 19212
sanction or combination of community control sanctions under 19213
section 2929.16 or 2929.17 of the Revised Code, but the offender 19214
shall serve all of the prison terms so imposed prior to serving 19215
the community control sanction. 19216

The duration of all community control sanctions imposed upon 19217
an offender under this division shall not exceed five years. If 19218
the offender absconds or otherwise leaves the jurisdiction of the 19219
court in which the offender resides without obtaining permission 19220

from the court or the offender's probation officer to leave the 19221
jurisdiction of the court, or if the offender is confined in any 19222
institution for the commission of any offense while under a 19223
community control sanction, the period of the community control 19224
sanction ceases to run until the offender is brought before the 19225
court for its further action. If the court sentences the offender 19226
to one or more nonresidential sanctions under section 2929.17 of 19227
the Revised Code, the court shall impose as a condition of the 19228
nonresidential sanctions that, during the period of the sanctions, 19229
the offender must abide by the law and must not leave the state 19230
without the permission of the court or the offender's probation 19231
officer. The court may impose any other conditions of release 19232
under a community control sanction that the court considers 19233
appropriate, including, but not limited to, requiring that the 19234
offender not ingest or be injected with a drug of abuse and submit 19235
to random drug testing as provided in division (D) of this section 19236
to determine whether the offender ingested or was injected with a 19237
drug of abuse and requiring that the results of the drug test 19238
indicate that the offender did not ingest or was not injected with 19239
a drug of abuse. 19240

(2)(a) If a court sentences an offender to any community 19241
control sanction or combination of community control sanctions 19242
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 19243
Revised Code, the court shall place the offender under the general 19244
control and supervision of a department of probation in the county 19245
that serves the court for purposes of reporting to the court a 19246
violation of any condition of the sanctions, any condition of 19247
release under a community control sanction imposed by the court, a 19248
violation of law, or the departure of the offender from this state 19249
without the permission of the court or the offender's probation 19250
officer. Alternatively, if the offender resides in another county 19251
and a county department of probation has been established in that 19252
county or that county is served by a multicounty probation 19253

department established under section 2301.27 of the Revised Code, 19254
the court may request the court of common pleas of that county to 19255
receive the offender into the general control and supervision of 19256
that county or multicounty department of probation for purposes of 19257
reporting to the court a violation of any condition of the 19258
sanctions, any condition of release under a community control 19259
sanction imposed by the court, a violation of law, or the 19260
departure of the offender from this state without the permission 19261
of the court or the offender's probation officer, subject to the 19262
jurisdiction of the trial judge over and with respect to the 19263
person of the offender, and to the rules governing that department 19264
of probation. 19265

If there is no department of probation in the county that 19266
serves the court, the court shall place the offender, regardless 19267
of the offender's county of residence, under the general control 19268
and supervision of the adult parole authority if the court has 19269
entered into an agreement with the authority as described in 19270
division (B) of section 2301.32 of the Revised Code or under an 19271
entity authorized under division (B) of section 2301.27 of the 19272
Revised Code to provide probation and supervisory services to 19273
counties for purposes of reporting to the court a violation of any 19274
of the sanctions, any condition of release under a community 19275
control sanction imposed by the court, a violation of law, or the 19276
departure of the offender from this state without the permission 19277
of the court or the offender's probation officer. 19278

(b) If the court imposing sentence upon an offender sentences 19279
the offender to any community control sanction or combination of 19280
community control sanctions authorized pursuant to section 19281
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 19282
offender violates any condition of the sanctions, any condition of 19283
release under a community control sanction imposed by the court, 19284
violates any law, or departs the state without the permission of 19285

the court or the offender's probation officer, the public or 19286
private person or entity that operates or administers the sanction 19287
or the program or activity that comprises the sanction shall 19288
report the violation or departure directly to the sentencing 19289
court, or shall report the violation or departure to the county or 19290
multicounty department of probation with general control and 19291
supervision over the offender under division (A)(2)(a) of this 19292
section or the officer of that department who supervises the 19293
offender, or, if there is no such department with general control 19294
and supervision over the offender under that division, to the 19295
adult parole authority if the court has entered into an agreement 19296
with the authority as described in division (B) of section 2301.32 19297
of the Revised Code, or an entity authorized under division (B) of 19298
section 2301.27 of the Revised Code to provide probation and 19299
supervisory services to the county. If the public or private 19300
person or entity that operates or administers the sanction or the 19301
program or activity that comprises the sanction reports the 19302
violation or departure to the county or multicounty department of 19303
probation, the adult parole authority, or any other entity 19304
providing probation and supervisory services to the county, the 19305
department's, authority's, or other entity's officers may treat 19306
the offender as if the offender were on probation and in violation 19307
of the probation, and shall report the violation of the condition 19308
of the sanction, any condition of release under a community 19309
control sanction imposed by the court, the violation of law, or 19310
the departure from the state without the required permission to 19311
the sentencing court. 19312

(3) If an offender who is eligible for community control 19313
sanctions under this section admits to being drug addicted or the 19314
court has reason to believe that the offender is drug addicted, 19315
and if the offense for which the offender is being sentenced was 19316
related to the addiction, the court may require that the offender 19317
be assessed by a properly credentialed professional within a 19318

specified period of time and shall require the professional to 19319
file a written assessment of the offender with the court. If a 19320
court imposes treatment and recovery support services as a 19321
community control sanction, the court shall direct the level and 19322
type of treatment and recovery support services after 19323
consideration of the written assessment, if available at the time 19324
of sentencing, and recommendations of the professional and other 19325
treatment and recovery support services providers. 19326

(4) If an assessment completed pursuant to division (A)(3) of 19327
this section indicates that the offender is addicted to drugs or 19328
alcohol, the court may include in any community control sanction 19329
imposed for a violation of section 2925.02, 2925.03, 2925.04, 19330
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 19331
2925.37 of the Revised Code a requirement that the offender 19332
participate in alcohol and drug addiction services and recovery 19333
supports certified under section 5119.36 of the Revised Code or 19334
offered by a properly credentialed community addiction services 19335
provider. 19336

(B)(1) If the conditions of a community control sanction are 19337
violated or if the offender violates a law or leaves the state 19338
without the permission of the court or the offender's probation 19339
officer, the sentencing court may impose upon the violator one or 19340
more of the following penalties: 19341

(a) A longer time under the same sanction if the total time 19342
under the sanctions does not exceed the five-year limit specified 19343
in division (A) of this section; 19344

(b) A more restrictive sanction under section 2929.16, 19345
2929.17, or 2929.18 of the Revised Code, including but not limited 19346
to, a new term in a community-based correctional facility, halfway 19347
house, or jail pursuant to division (A)(6) of section 2929.16 of 19348
the Revised Code; 19349

(c) A prison term on the offender pursuant to section 2929.14 19350
of the Revised Code and division (B)(3) of this section, provided 19351
that a prison term imposed under this division is subject to the 19352
following limitations, as applicable: 19353

(i) If the prison term is imposed for any technical violation 19354
of the conditions of a community control sanction imposed for a 19355
felony of the fifth degree or for any violation of law committed 19356
while under a community control sanction imposed for such a felony 19357
that consists of a new criminal offense and that is not a felony, 19358
the prison term shall not exceed ninety days. 19359

(ii) If the prison term is imposed for any technical 19360
violation of the conditions of a community control sanction 19361
imposed for a felony of the fourth degree that is not an offense 19362
of violence and is not a sexually oriented offense or for any 19363
violation of law committed while under a community control 19364
sanction imposed for such a felony that consists of a new criminal 19365
offense and that is not a felony, the prison term shall not exceed 19366
one hundred eighty days. 19367

(2) If an offender was acting pursuant to division (B)(2)(b) 19368
of section 2925.11 of the Revised Code and in so doing violated 19369
the conditions of a community control sanction based on a minor 19370
drug possession offense, as defined in section 2925.11 of the 19371
Revised Code, the sentencing court may consider the offender's 19372
conduct in seeking or obtaining medical assistance for another in 19373
good faith or for self or may consider the offender being the 19374
subject of another person seeking or obtaining medical assistance 19375
in accordance with that division as a mitigating factor before 19376
imposing any of the penalties described in division (B)(1) of this 19377
section. 19378

(3) The prison term, if any, imposed upon a violator pursuant 19379
to this division and division (B)(1) of this section shall be 19380
within the range of prison terms described in this division and 19381

shall not exceed the prison term specified in the notice provided 19382
to the offender at the sentencing hearing pursuant to division 19383
(B)(2) of section 2929.19 of the Revised Code. The court may 19384
reduce the longer period of time that the offender is required to 19385
spend under the longer sanction, the more restrictive sanction, or 19386
a prison term imposed pursuant to division (B)(1) of this section 19387
by the time the offender successfully spent under the sanction 19388
that was initially imposed. Except as otherwise specified in this 19389
division, the prison term imposed under this division and division 19390
(B)(1) of this section shall be within the range of prison terms 19391
available as a definite term for the offense for which the 19392
sanction that was violated was imposed. If the offense for which 19393
the sanction that was violated was imposed is a felony of the 19394
first or second degree committed on or after ~~the effective date of~~ 19395
~~this amendment~~ March 22, 2019, the prison term so imposed under 19396
this division shall be within the range of prison terms available 19397
as a minimum term for the offense under division (A)(1)(a) or 19398
(2)(a) of section 2929.14 of the Revised Code. 19399

(C) If an offender, for a significant period of time, 19400
fulfills the conditions of a sanction imposed pursuant to section 19401
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 19402
manner, the court may reduce the period of time under the sanction 19403
or impose a less restrictive sanction, but the court shall not 19404
permit the offender to violate any law or permit the offender to 19405
leave the state without the permission of the court or the 19406
offender's probation officer. 19407

(D)(1) If a court under division (A)(1) of this section 19408
imposes a condition of release under a community control sanction 19409
that requires the offender to submit to random drug testing, the 19410
department of probation, the adult parole authority, or any other 19411
entity that has general control and supervision of the offender 19412
under division (A)(2)(a) of this section may cause the offender to 19413

submit to random drug testing performed by a laboratory or entity 19414
that has entered into a contract with any of the governmental 19415
entities or officers authorized to enter into a contract with that 19416
laboratory or entity under section 341.26, 753.33, or 5120.63 of 19417
the Revised Code. 19418

(2) If no laboratory or entity described in division (D)(1) 19419
of this section has entered into a contract as specified in that 19420
division, the department of probation, the adult parole authority, 19421
or any other entity that has general control and supervision of 19422
the offender under division (A)(2)(a) of this section shall cause 19423
the offender to submit to random drug testing performed by a 19424
reputable public laboratory to determine whether the individual 19425
who is the subject of the drug test ingested or was injected with 19426
a drug of abuse. 19427

(3) A laboratory or entity that has entered into a contract 19428
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 19429
shall perform the random drug tests under division (D)(1) of this 19430
section in accordance with the applicable standards that are 19431
included in the terms of that contract. A public laboratory shall 19432
perform the random drug tests under division (D)(2) of this 19433
section in accordance with the standards set forth in the policies 19434
and procedures established by the department of rehabilitation and 19435
correction pursuant to section 5120.63 of the Revised Code. An 19436
offender who is required under division (A)(1) of this section to 19437
submit to random drug testing as a condition of release under a 19438
community control sanction and whose test results indicate that 19439
the offender ingested or was injected with a drug of abuse shall 19440
pay the fee for the drug test if the department of probation, the 19441
adult parole authority, or any other entity that has general 19442
control and supervision of the offender requires payment of a fee. 19443
A laboratory or entity that performs the random drug testing on an 19444
offender under division (D)(1) or (2) of this section shall 19445

transmit the results of the drug test to the appropriate 19446
department of probation, the adult parole authority, or any other 19447
entity that has general control and supervision of the offender 19448
under division (A)(2)(a) of this section. 19449

Sec. 2929.34. (A) A person who is convicted of or pleads 19450
guilty to aggravated murder, murder, or an offense punishable by 19451
life imprisonment and who is sentenced to a term of life 19452
imprisonment or a prison term pursuant to that conviction shall 19453
serve that term in an institution under the control of the 19454
department of rehabilitation and correction. 19455

(B)(1) A person who is convicted of or pleads guilty to a 19456
felony other than aggravated murder, murder, or an offense 19457
punishable by life imprisonment and who is sentenced to a term of 19458
imprisonment or a prison term pursuant to that conviction shall 19459
serve that term as follows: 19460

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 19461
this section, in an institution under the control of the 19462
department of rehabilitation and correction if the term is a 19463
prison term or as otherwise determined by the sentencing court 19464
pursuant to section 2929.16 of the Revised Code if the term is not 19465
a prison term; 19466

(b) In a facility of a type described in division (G)(1) of 19467
section 2929.13 of the Revised Code, if the offender is sentenced 19468
pursuant to that division. 19469

(2) If the term is a prison term, the person may be 19470
imprisoned in a jail that is not a minimum security jail pursuant 19471
to agreement under section 5120.161 of the Revised Code between 19472
the department of rehabilitation and correction and the local 19473
authority that operates the jail. 19474

(3)(a) As used in divisions (B)(3)(a) to (d) of this section+ 19475

~~(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.~~ 19476
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~~(ii) "Voluntary, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.~~ 19479
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(b) In any voluntary county ~~other than a target county~~, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made. 19485
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(c) Except as provided in division (B)(3)(d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a ~~target county or of a~~ voluntary county to a prison term ~~that is twelve months or less~~ for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section. 19496
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(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2941.51. (A) Counsel appointed to a case or selected by 19539
an indigent person under division (E) of section 120.16 or 19540
division (E) of section 120.26 of the Revised Code, or otherwise 19541
appointed by the court, except for counsel appointed by the court 19542
to provide legal representation for a person charged with a 19543
violation of an ordinance of a municipal corporation, shall be 19544
paid for their services by the county the compensation and 19545
expenses that the trial court approves. Each request for payment 19546
shall include a financial disclosure form completed by the 19547
indigent person on a form prescribed by the state public defender. 19548
Compensation and expenses shall not exceed the amounts fixed by 19549
the board of county commissioners pursuant to division (B) of this 19550
section. 19551

(B) The board of county commissioners shall establish a 19552
schedule of fees by case or on an hourly basis to be paid by the 19553
county for legal services provided by appointed counsel. Prior to 19554
establishing such schedule, the board shall request the bar 19555
association or associations of the county to submit a proposed 19556
schedule for cases other than capital cases. The schedule 19557
submitted shall be subject to the review, amendment, and approval 19558
of the board of county commissioners, except with respect to 19559
capital cases. With respect to capital cases, the schedule shall 19560
provide for fees by case or on an hourly basis to be paid to 19561
counsel in the amount or at the rate set by the capital case 19562
attorney fee council pursuant to division (D) of section 120.33 of 19563
the Revised Code, and the board of county commissioners shall 19564
approve that amount or rate. 19565

With respect to capital cases, counsel shall be paid 19566
compensation and expenses in accordance with the amount or at the 19567
rate set by the capital case attorney fee council pursuant to 19568
division (D) of section 120.33 of the Revised Code. 19569

(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section.

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

(E) The county auditor shall draw a warrant on the county treasurer for the payment of such counsel in the amount fixed by the court, plus the expenses that the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the Ohio public defender commission the amounts paid out pursuant to the approval of the court under this section, separately stating costs and expenses that are reimbursable under section 120.35 of the Revised Code. The board, after review and approval of the auditor's report, may then certify it to the state public defender for reimbursement. The request for reimbursement shall be accompanied by a financial disclosure form completed by each indigent person for whom counsel was provided on a form prescribed by the state public defender. The state public defender shall

review the report and, in accordance with the standards, 19602
guidelines, and maximums established pursuant to divisions (B)(7) 19603
and (8) of section 120.04 of the Revised Code and the payment 19604
determination provisions of section 120.34 of the Revised Code, 19605
pay ~~fifty per cent of the total~~ cost, other than costs and 19606
expenses that are reimbursable under section 120.35 of the Revised 19607
Code, if any, of paying appointed counsel in each county and pay 19608
~~fifty per cent of costs and expenses that are reimbursable under~~ 19609
section 120.35 of the Revised Code, if any, to the board. The 19610
amount of payments the state public defender is to make shall be 19611
determined as specified in section 120.34 of the Revised Code. 19612

(F) If any county system for paying appointed counsel fails 19613
to maintain the standards for the conduct of the system 19614
established by the rules of the Ohio public defender commission 19615
pursuant to divisions (B) and (C) of section 120.03 of the Revised 19616
Code or the standards established by the state public defender 19617
pursuant to division (B)(7) of section 120.04 of the Revised Code, 19618
the commission shall notify the board of county commissioners of 19619
the county that the county system for paying appointed counsel has 19620
failed to comply with its rules. Unless the board corrects the 19621
conduct of its appointed counsel system to comply with the rules 19622
within ninety days after the date of the notice, the state public 19623
defender may deny all or part of the county's reimbursement from 19624
the state provided for in this section. 19625

Sec. 2950.08. (A) Subject to division (B) of this section, 19626
the statements, information, photographs, fingerprints, and 19627
material required by sections 2950.04, 2950.041, 2950.05, and 19628
2950.06 of the Revised Code and provided by a person who 19629
registers, who provides notice of a change of residence, school, 19630
institution of higher education, or place of employment address 19631
and registers the new residence, school, institution of higher 19632
education, or place of employment address, or who provides 19633

verification of a current residence, school, institution of higher 19634
education, or place of employment address pursuant to those 19635
sections and that are in the possession of the bureau of criminal 19636
identification and investigation and the information in the 19637
possession of the bureau that was received by the bureau pursuant 19638
to section 2950.14 of the Revised Code shall not be open to 19639
inspection by the public or by any person other than the following 19640
persons: 19641

(1) A regularly employed peace officer or other law 19642
enforcement officer; 19643

(2) An authorized employee of the bureau of criminal 19644
identification and investigation for the purpose of providing 19645
information to a board, administrator, or person pursuant to 19646
division (F) or (G) of section 109.57 of the Revised Code; 19647

(3) The registrar of motor vehicles, or an employee of the 19648
registrar of motor vehicles, for the purpose of verifying and 19649
updating any of the information so provided, upon the request of 19650
the bureau of criminal identification and investigation; 19651

(4) The director of job and family services, or an employee 19652
of the director, for the purpose of complying with division (D) of 19653
section 5104.013 of the Revised Code. 19654

(B) Division (A) of this section does not apply to any 19655
information that is contained in the internet sex offender and 19656
child-victim offender database established by the attorney general 19657
under division (A)(11) of section 2950.13 of the Revised Code 19658
regarding offenders and that is disseminated as described in that 19659
division. 19660

Sec. 3107.035. (A) At the time of the initial home study, and 19661
every two years thereafter, if the home study is updated, and 19662
until it becomes part of a final decree of adoption or an 19663

interlocutory order of adoption, the agency or attorney that 19664
arranges an adoption for the prospective adoptive parent shall 19665
conduct a search of the United States department of justice 19666
national sex offender public web site regarding the prospective 19667
adoptive parent and all persons eighteen years of age or older who 19668
reside with the prospective adoptive parent. 19669

(B) A petition for adoption may be denied based solely on the 19670
results of the search of the national sex offender public web 19671
site. 19672

(C) The director of job and family services shall adopt rules 19673
in accordance with Chapter 119. of the Revised Code necessary for 19674
the implementation and execution of this section. 19675

Sec. 3107.14. (A) The petitioner and the person sought to be 19676
adopted shall appear at the hearing on the petition, unless the 19677
presence of either is excused by the court for good cause shown. 19678

(B) The court may continue the hearing from time to time to 19679
permit further observation, investigation, or consideration of any 19680
facts or circumstances affecting the granting of the petition, and 19681
may examine the petitioners separate and apart from each other. 19682

(C) If, at the conclusion of the hearing, the court finds 19683
that the required consents have been obtained or excused and that 19684
the adoption is in the best interest of the person sought to be 19685
adopted as supported by the evidence, it may issue, subject to 19686
division (C)(1)(a) of section 2151.86, section 3107.064, and 19687
division (E) of section 3107.09 of the Revised Code, and any other 19688
limitations specified in this chapter, a final decree of adoption 19689
or an interlocutory order of adoption, which by its own terms 19690
automatically becomes a final decree of adoption on a date 19691
specified in the order, which, except as provided in division (B) 19692
of section 3107.13 of the Revised Code, shall not be less than six 19693

months or more than one year from the date the person to be 19694
adopted is placed in the petitioner's home, unless sooner vacated 19695
by the court for good cause shown. In determining whether the 19696
adoption is in the best interest of the person sought to be 19697
adopted, the court shall not consider the age of the petitioner if 19698
the petitioner is old enough to adopt as provided by section 19699
3107.03 of the Revised Code. 19700

In an interlocutory order of adoption, the court shall 19701
provide for observation, investigation, and a further report on 19702
the adoptive home during the interlocutory period. 19703

(D) If the requirements for a decree under division (C) of 19704
this section have not been satisfied or the court vacates an 19705
interlocutory order of adoption, or if the court finds that a 19706
person sought to be adopted was placed in the home of the 19707
petitioner in violation of law, the court shall dismiss the 19708
petition and may determine the agency or person to have temporary 19709
or permanent custody of the person, which may include the agency 19710
or person that had custody prior to the filing of the petition or 19711
the petitioner, if the court finds it is in the best interest of 19712
the person as supported by the evidence, or if the person is a 19713
minor, the court may certify the case to the juvenile court of the 19714
county where the minor is then residing for appropriate action and 19715
disposition. 19716

(E) The issuance of a final decree or interlocutory order of 19717
adoption for an adult adoption under division (A)(4) of section 19718
3107.02 of the Revised Code shall not disqualify that adult for 19719
services under section 2151.82 or 2151.83 of the Revised Code. 19720

Sec. 3119.023. (A) At least once every four years, the 19721
department of job and family services shall review the basic child 19722
support schedule issued by the department pursuant to section 19723
3119.021 of the Revised Code to determine whether child support 19724

orders issued in accordance with that schedule and the worksheets 19725
created under rules adopted under section 3119.022 of the Revised 19726
Code adequately provide for the needs of children who are subject 19727
to the child support orders. ~~The department may consider the~~ 19728
~~adequacy and appropriateness of the current schedule, whether~~ 19729
~~there are substantial and permanent changes in household~~ 19730
~~consumption and savings patterns, particularly those resulting in~~ 19731
~~substantial and permanent changes in the per cent of total~~ 19732
~~household expenditures on children, and whether there have been~~ 19733
~~substantial and permanent changes to the federal and state income~~ 19734
~~tax code other than inflationary adjustments to such things as the~~ 19735
~~exemption amount and income tax brackets, and other factors when~~ 19736
~~conducting its review.~~ The review is in addition to, and 19737
independent of, any schedule update completed as set forth in 19738
section 3119.021 of the Revised Code. The department shall prepare 19739
a report of its review and include recommendations for statutory 19740
changes, and submit a copy of the report to both houses of the 19741
general assembly. 19742

(B) Each review shall include all of the following: 19743

(1) Consideration of all of the following: 19744

(a) Economic data on the cost of raising children; 19745

(b) Labor market data, such as unemployment rates, employment 19746
rates, hours worked, and earnings, by occupation and skill level 19747
for the state and local job markets; 19748

(c) The impact of guidelines policies and amounts on 19749
custodial and noncustodial parents who have family incomes below 19750
two hundred per cent of the federal poverty level; 19751

(d) Factors that influence employment rates among 19752
noncustodial parents and compliance with child support orders. 19753

(2) Analysis of all of the following, to be used to ensure 19754

that deviations from the basic child support schedule are limited 19755
and that support amounts are appropriate based on criteria 19756
established under division (G) of section 3119.05 of the Revised 19757
Code: 19758

(a) Case data on the application of and deviations from the 19759
basic child support schedule, as gathered through sampling or 19760
other methods; 19761

(b) Rates of default, child support orders with imputed 19762
income, and orders determined using low-income adjustments such as 19763
a self-support reserve or another method as determined by the 19764
state; 19765

(c) A comparison of payments on child support orders by case 19766
characteristics, including whether the order was entered by 19767
default, based on imputed income, or determined using the 19768
low-income adjustment, as described in division (B)(2)(b) of this 19769
section. 19770

(3) Meaningful opportunity for public input, including input 19771
from low-income custodial and noncustodial parents and their 19772
representatives. 19773

(C) For each review, the department shall establish a child 19774
support guideline advisory council to assist the department in the 19775
completion of its reviews and reports. Each council shall be 19776
composed of: 19777

(1) Obligors; 19778

(2) Obligees; 19779

(3) Judges of courts of common pleas who have jurisdiction 19780
over domestic relations and juvenile court cases that involve the 19781
determination of child support; 19782

(4) Attorneys whose practice includes a significant number of 19783
domestic relations or juvenile court cases that involve the 19784

determination of child support;	19785
(5) Representatives of child support enforcement agencies;	19786
(6) Other persons interested in the welfare of children;	19787
(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and	19788 19789 19790
(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.	19791 19792 19793
(C) (D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.	19794 19795 19796 19797
(D) (E) <u>The department shall publish on the internet and make accessible to the public all of the following:</u>	19798 19799
(1) <u>All reports of the council;</u>	19800
(2) <u>The membership of the council;</u>	19801
(3) <u>The effective date of new or modified guidelines adopted after the review;</u>	19802 19803
(4) <u>The date of the next review.</u>	19804
(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.	19805 19806 19807
(E) (G) Any expenses incurred by an advisory council shall be paid by the department.	19808 19809
Sec. 3119.05. When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child	19810 19811 19812

support to be paid pursuant to an administrative child support order, all of the following apply: 19813
19814

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns. 19815
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(B) The annual amount of any court-ordered spousal support actually paid, excluding any ordered payment on arrears, shall be deducted from the annual income of that parent to the extent that payment of that court-ordered spousal support is verified by supporting documentation. 19821
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(C) The court or agency shall adjust the amount of child support paid by a parent to give credit for children not included in the current calculation. When calculating the adjusted amount, the court or agency shall use the schedule and do the following: 19826
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(1) Determine the amount of child support that each parent would be ordered to pay for all children for whom the parent has the legal duty to support, according to each parent's annual income. If the number of children subject to the order is greater than six, multiply the amount for three children in accordance with division (C)(4) of this section to determine the amount of child support. 19830
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(2) Compute a child support credit amount for each parent's children who are not subject to this order by dividing the amount determined in division (C)(1) of this section by the total number of children whom the parent is obligated to support and multiplying that number by the number of the parent's children who are not subject to this order. 19837
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(3) Determine the adjusted income of the parents by 19843
subtracting the credit for minor children not subject to this 19844
order computed under division (C)(2) of this section, from the 19845
annual income of each parent for the children each has a duty to 19846
support that are not subject to this order. 19847

(4) If the number of children is greater than six, multiply 19848
the amount for three children by: 19849

(a) 1.440 for seven children; 19850

(b) 1.540 for eight children; 19851

(c) 1.638 for nine children; 19852

(d) 1.734 for ten children; 19853

(e) 1.827 for eleven children; 19854

(f) 1.919 for twelve children; 19855

(g) 2.008 for thirteen children; 19856

(h) 2.096 for fourteen children; 19857

(i) 2.182 for more than fourteen children. 19858

(D) When the court or agency calculates the annual income of 19859
a parent, it shall include the lesser of the following as income 19860
from overtime and bonuses: 19861

(1) The yearly average of all overtime, commissions, and 19862
bonuses received during the three years immediately prior to the 19863
time when the person's child support obligation is being computed; 19864

(2) The total overtime, commissions, and bonuses received 19865
during the year immediately prior to the time when the person's 19866
child support obligation is being computed. 19867

(E) When the court or agency calculates the annual income of 19868
a parent, it shall not include any income earned by the spouse of 19869
that parent. 19870

(F) The court shall issue a separate medical support order 19871
for extraordinary medical expenses, including orthodontia, dental, 19872
optical, and psychological services. 19873

If the court makes an order for payment of private education, 19874
and other appropriate expenses, it shall do so by issuing a 19875
separate order. 19876

The court may consider these expenses in adjusting a child 19877
support order. 19878

(G) When a court or agency calculates the amount of child 19879
support to be paid pursuant to a court child support order or an 19880
administrative child support order, the following shall apply: 19881

(1) The court or agency shall apply the basic child support 19882
schedule to the parents' combined annual incomes and to each 19883
parent's individual income. 19884

(2) If the combined annual income of both parents or the 19885
individual annual income of a parent is an amount that is between 19886
two amounts set forth in the first column of the schedule, the 19887
court or agency may use the basic child support obligation that 19888
corresponds to the higher of the two amounts in the first column 19889
of the schedule, use the basic child support obligation that 19890
corresponds to the lower of the two amounts in the first column of 19891
the schedule, or calculate a basic child support obligation that 19892
is between those two amounts and corresponds proportionally to the 19893
parents' actual combined annual income or the individual parent's 19894
annual income. 19895

(3) If the annual individual income of either or both of the 19896
parents is within the self-sufficiency reserve in the basic child 19897
support schedule, the court or agency shall do both of the 19898
following: 19899

(a) Calculate the basic child support obligation for the 19900
parents using the schedule amount applicable to the combined 19901

annual income and the schedule amount applicable to the income in 19902
the self-sufficiency reserve; 19903

(b) Determine the lesser of the following amounts to be the 19904
applicable basic child support obligation: 19905

(i) The amount that results from using the combined annual 19906
income of the parents not in the self-sufficiency reserve of the 19907
schedule; or 19908

(ii) The amount that results from using the individual 19909
parent's income within the self-sufficiency reserve of the 19910
schedule. 19911

(H) When the court or agency calculates annual income, the 19912
court or agency, when appropriate, may average income over a 19913
reasonable period of years. 19914

(I) Unless it would be unjust or inappropriate and therefore 19915
not in the best interests of the child, a court or agency shall 19916
not determine a parent to be voluntarily unemployed or 19917
underemployed and shall not impute income to that parent if any of 19918
the following conditions exist: 19919

(1) The parent is receiving recurring monetary income from 19920
means-tested public assistance benefits, including cash assistance 19921
payments under the Ohio works first program established under 19922
Chapter 5107. of the Revised Code, general assistance under former 19923
Chapter 5113. of the Revised Code, supplemental security income, 19924
or means-tested veterans' benefits; 19925

(2) The parent is approved for social security disability 19926
insurance benefits because of a mental or physical disability, or 19927
the court or agency determines that the parent is unable to work 19928
based on medical documentation that includes a physician's 19929
diagnosis and a physician's opinion regarding the parent's mental 19930
or physical disability and inability to work. 19931

(3) The parent has proven that the parent has made continuous 19932
and diligent efforts without success to find and accept 19933
employment, including temporary employment, part-time employment, 19934
or employment at less than the parent's previous salary or wage. 19935

(4) The parent is complying with court-ordered family 19936
reunification efforts in a child abuse, neglect, or dependency 19937
proceeding, to the extent that compliance with those efforts 19938
limits the parent's ability to earn income. 19939

(5) The parent is ~~incarcerated or~~ institutionalized for a 19940
period of twelve months or more with no other available income or 19941
~~assets, unless the parent is incarcerated for an offense relating~~ 19942
~~to the abuse or neglect of a child who is the subject of the~~ 19943
~~support order or an offense under Title XXIX of the Revised Code~~ 19944
~~against the obligee or a child who is the subject of the support~~ 19945
~~order.~~ 19946

(J) When a court or agency calculates the income of a parent, 19947
it shall not determine a parent to be voluntarily unemployed or 19948
underemployed and shall not impute income to that parent if the 19949
parent is incarcerated. 19950

(K) When a court or agency requires a parent to pay an amount 19951
for that parent's failure to support a child for a period of time 19952
prior to the date the court modifies or issues a court child 19953
support order or an agency modifies or issues an administrative 19954
child support order for the current support of the child, the 19955
court or agency shall calculate that amount using the basic child 19956
support schedule, worksheets, and child support laws in effect, 19957
and the incomes of the parents as they existed, for that prior 19958
period of time. 19959

~~(K)~~(L) A court or agency may disregard a parent's additional 19960
income from overtime or additional employment when the court or 19961
agency finds that the additional income was generated primarily to 19962

support a new or additional family member or members, or under 19963
other appropriate circumstances. 19964

~~(L)~~(M) If both parents involved in the immediate child 19965
support determination have a prior order for support relative to a 19966
minor child or children born to both parents, the court or agency 19967
shall collect information about the existing order or orders and 19968
consider those together with the current calculation for support 19969
to ensure that the total of all orders for all children of the 19970
parties does not exceed the amount that would have been ordered if 19971
all children were addressed in a single judicial or administrative 19972
proceeding. 19973

~~(M)~~(N) A support obligation of a parent with annual income 19974
subject to the self-sufficiency reserve of the basic child support 19975
schedule shall not exceed the support obligation that would result 19976
from application of the schedule without the reserve. 19977

~~(N)~~(O) Any non-means tested benefit received by the child or 19978
children subject to the order resulting from the claims of either 19979
parent shall be deducted from that parent's annual child support 19980
obligation after all other adjustments have been made. If that 19981
non-means tested benefit exceeds the child support obligation of 19982
the parent from whose claim the benefit is realized, the child 19983
support obligation for that parent shall be zero. 19984

~~(O)~~(P) As part of the child support calculation, the parents 19985
shall be ordered to share the costs of child care. Subject to the 19986
limitations in this division, a child support obligor shall pay an 19987
amount equal to the obligor's income share of the child care cost 19988
incurred for the child or children subject to the order. 19989

(1) The child care cost used in the calculation: 19990

(a) Shall be for the child determined to be necessary to 19991
allow a parent to work, or for activities related to employment 19992
training; 19993

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency; 19994
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(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed; 19996
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(d) Shall not exceed the maximum state-wide average cost estimate ~~issued by the department of job and family services, using the data collected and reported as required in section 5104.04 of the Revised Code~~ determined in accordance with 45 C.F.R. 98.45. 19999
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(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost. 20004
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(O) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement. 20009
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Sec. 3119.23. The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code: 20014
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(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children; 20017
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(B) Other court-ordered payments; 20020

(C) Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child or children for parenting time; 20021
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(D) The financial resources and the earning ability of the child or children;	20024 20025
(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;	20026 20027 20028
(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	20029 20030 20031
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	20032 20033
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	20034 20035
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	20036 20037 20038
(J) Extraordinary work-related expenses incurred by either parent;	20039 20040
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	20041 20042 20043
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	20044 20045 20046
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	20047 20048 20049
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	20050 20051 20052
(O) Costs incurred or reasonably anticipated to be incurred	20053

by the parents in compliance with court-ordered reunification 20054
efforts in child abuse, neglect, or dependency cases; 20055

(P) Extraordinary child care costs required for the child or 20056
children that exceed the maximum state-wide average cost estimate 20057
~~provided as described~~ in division ~~(O)~~(P)(1)(d) of section 3119.05 20058
of the Revised Code, including extraordinary costs associated with 20059
caring for a child or children with specialized physical, 20060
psychological, or educational needs; 20061

(Q) Any other relevant factor. 20062

If the court grants a deviation based on division (Q) of this 20063
section, it shall specifically state in the order the facts that 20064
are the basis for the deviation. 20065

Sec. 3119.27. (A) A court that issues or modifies a court 20066
support order, or an administrative agency that issues or modifies 20067
an administrative child support order, shall impose on the obligor 20068
under the support order a processing charge in the amount of two 20069
per cent of the support payment to be collected under a support 20070
order. No court or agency may call the charge a poundage fee. 20071

(B) In each child support case that is a Title IV-D case, the 20072
department of job and family services shall annually claim 20073
~~twenty-five~~ thirty-five dollars from the processing charge 20074
described in division (A) of this section for federal reporting 20075
purposes if the obligee has never received assistance under Title 20076
IV-A and the department has collected at least five hundred fifty 20077
dollars of child support for the obligee. The director of job and 20078
family services shall adopt rules under Chapter 119. of the 20079
Revised Code to implement this division, and the department shall 20080
implement this division not later than March 31, 2008. 20081

(C) As used in this section: 20082

(1) "Annual" means the period as defined in regulations 20083

issued by the United States secretary of health and human services 20084
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 20085

(2) "Title IV-A" has the same meaning as in section 5107.02 20086
of the Revised Code. 20087

(3) "Title IV-D case" has the same meaning as in section 20088
3125.01 of the Revised Code. 20089

Sec. 3119.29. As used in this section and sections 3119.30 to 20090
3119.56 of the Revised Code: 20091

(A) ~~"Family coverage" means the health insurance plan that 20092
provides coverage for the children who are the subject of a child 20093
support order. 20094~~

~~(B)~~ "Health care coverage" means such medical support that 20095
includes ~~coverage under~~ a health insurance coverage or a public 20096
health care plan, payment of costs of premiums, copayments, and 20097
deductibles, or payment for medical expenses incurred on behalf of 20098
the child. 20099

~~(C)~~(B) "Health insurance coverage" means accessible private 20100
health insurance that provides primary care services within thirty 20101
miles from the residence of the child subject to the child support 20102
order. 20103

~~(D)~~(C) "Health plan administrator" means any entity 20104
authorized under Title XXXIX of the Revised Code to engage in the 20105
business of insurance in this state, any health insuring 20106
corporation, any legal entity that is self-insured and provides 20107
benefits to its employees or members, and the administrator of any 20108
such entity or corporation. 20109

~~(E)~~(D) "National medical support notice" means a form 20110
required by the "Child Support Performance and Incentive Act of 20111
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 20112
amended, and jointly developed and promulgated by the secretary of 20113

health and human services and the secretary of labor in federal 20114
regulations adopted under that act as modified by the department 20115
of job and family services under section 3119.291 of the Revised 20116
Code. 20117

~~(F)~~(E) "Person required to provide health insurance coverage" 20118
means the obligor, obligee, or both, required by the court under a 20119
court child support order or by the child support enforcement 20120
agency under an administrative child support order to provide 20121
health insurance coverage pursuant to section 3119.30 of the 20122
Revised Code. 20123

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 20124
health insurance coverage to the person required to provide health 20125
insurance coverage for the children who are the subject of the 20126
child support order does not exceed an amount equal to five per 20127
cent of the annual income of that person. ~~For purposes of this~~ 20128
~~division, the cost of health insurance is an amount equal to the~~ 20129
~~difference in cost between self only and family coverage.~~ 20130

~~However, if the United States secretary of health and human~~ 20131
~~services issues a regulation that redefines "reasonable cost" or a~~ 20132
~~similar term or phrase, or clarifies the elements of cost used~~ 20133
~~when determining reasonable cost relating to the provision of~~ 20134
~~health care for children in a child support order, and if those~~ 20135
~~changes are substantively different than the definitions and terms~~ 20136
~~used in this section, those terms shall have the meaning as~~ 20137
~~defined by the United States secretary of health and human~~ 20138
~~services.~~ 20139

Sec. 3119.30. (A) In any action or proceeding in which a 20140
child support order is issued or modified, the court, with respect 20141
to court child support orders, and the child support enforcement 20142
agency, with respect to administrative child support orders, shall 20143
determine the person or persons responsible for the health care 20144

coverage of the children subject to the child support order and 20145
shall include provisions for the health care coverage of the 20146
children in the child support order. The order shall specify that 20147
the obligor and obligee are both liable for the health care 20148
expenses for the children who are not covered by private health 20149
insurance according to a formula established by each court, with 20150
respect to a court child support order, or each child support 20151
enforcement agency, with respect to an administrative child 20152
support order. 20153

(B) The child support obligee is rebuttably presumed to be 20154
the appropriate parent to provide health insurance coverage for 20155
the children subject to the child support order. The order shall 20156
specify that the obligee must provide the health insurance 20157
coverage unless rebutted pursuant to division (B)(1) of this 20158
section. 20159

(1) The court or child support enforcement agency may 20160
consider the following factors to rebut the presumption when 20161
determining if the child support obligor is the appropriate parent 20162
to provide health insurance coverage: 20163

(a) The obligor already has health insurance coverage for the 20164
child that is reasonable in cost; 20165

(b) The obligor already has health insurance coverage in 20166
place for the child that is not reasonable in cost, but the 20167
obligor wishes to be named the health insurance obligor and 20168
provide coverage under division (A)(2)(a) of section 3119.302 of 20169
the Revised Code; 20170

(c) The obligor can obtain health insurance coverage for the 20171
child that is reasonable in cost through an employer or other 20172
source. For employer-based coverage, the court or child support 20173
enforcement agency shall consider the length of time the obligor 20174
has worked with the employer and the stability of the insurance. 20175

(d) The obligee is a non-parent individual or agency that has no duty to provide medical support. 20176
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(2) If ~~private~~ health insurance coverage for the children is not available at a reasonable cost to the obligor or the obligee at the time the court or agency issues the order, the order shall include a requirement that the obligee obtain ~~private~~ health ~~insurance~~ care coverage for the children not later than thirty days after it becomes available to the obligee at a reasonable cost, and to inform the child support enforcement agency when ~~private~~ health ~~insurance~~ care coverage for the children has been obtained. 20178
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(3) If ~~private~~ health insurance coverage becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health ~~insurance~~ care coverage from the court with respect to a court child support order, or from the agency with respect to an administrative support order. 20187
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(C) When a child support order is issued or modified, the order shall include a cash medical support amount consistent with division (B) of section 3119.302 of the Revised Code for each child subject to the order. The cash medical support amount shall be ordered based on the number of children subject to the order and split between the parties using the parents' income share. 20193
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(D) Any cash medical support paid pursuant to division (C) of this section shall be paid through the department of job and family services by the obligor to either the obligee if the children are not medicaid recipients, or to the department of medicaid when a medicaid assignment is in effect for any child under the support order. 20199
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(E) The cost of providing health insurance coverage for a child subject to an order shall be defrayed by a credit against 20205
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that parent's annual income when calculating support as required 20207
under section 3119.02 of the Revised Code using the basic child 20208
support schedule and applicable worksheet. The credit shall be 20209
equal to the total actual out-of-pocket cost for health insurance 20210
premiums for the coverage. Any credit given will be less any 20211
subsidy, including a premium tax credit or cost-sharing reduction 20212
received by the parent providing coverage. 20213

(F) Both parents may be ordered to provide health care 20214
coverage and pay cash medical support if the obligee is a 20215
nonparent individual or agency that has no duty to provide medical 20216
support. 20217

Sec. 3119.302. (A) When the court, with respect to a court 20218
child support order, or the child support enforcement agency, with 20219
respect to an administrative child support order, determines the 20220
person or persons responsible for the health care coverage of the 20221
children subject to the order pursuant to section 3119.30 of the 20222
Revised Code, all of the following apply: 20223

(1) The court or agency shall consider any ~~private~~ health 20224
insurance coverage in which the obligor, obligee, or children, are 20225
enrolled at the time the court or agency issues the order. 20226

(2) If the cost of ~~private~~ health insurance coverage to 20227
either parent exceeds a reasonable cost, that parent shall not be 20228
ordered to provide ~~private~~ health insurance coverage for the child 20229
except as follows: 20230

(a) When the parent requests to obtain or maintain the 20231
~~private~~ health insurance coverage that exceeds a reasonable cost; 20232

(b) When the court determines that it is in the best interest 20233
of the children for a parent to obtain and maintain ~~private~~ health 20234
insurance coverage that exceeds a reasonable cost and the cost 20235
will not impose an undue financial burden on either parent. If the 20236

court makes such a determination, the court must include the facts and circumstances of the determination in the child support order.

(3) If ~~private~~ health insurance coverage is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available ~~private~~ health insurance coverage, the court shall state the facts and circumstances of the determination in the child support order.

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the Revised Code, the court or agency may do either of the following:

(a) Permit primary care services to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances ;

(b) Require primary care services be accessible by public transportation if public transportation is the obligee's only source of transportation.

If the court or agency makes either accessibility determination, it shall include this accessibility determination in the child support order.

(B) The director of job and family services shall periodically update the amount of the cash medical support obligation to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The updates shall be made in consideration of the medical expenditure panel survey, conducted by the United States department of health and human services for health care research and quality. The amount shall be based on the most recent survey year data available and shall be calculated by multiplying the total amount expended for health services for children by the percentage that is out-of-pocket divided by the number of individuals less than eighteen years of age that have any private insurance.

Sec. 3119.31. In any action or proceeding in which a court or 20268
child support enforcement agency is determining the person 20269
responsible for the health care coverage of the children who are 20270
or will be the subject of a child support order, each party shall 20271
provide to the court or child support enforcement agency a list of 20272
any group health insurance policies, contracts, or plans available 20273
to the party and the cost ~~for self only and family~~ of coverage 20274
under the available policies, contracts, or plans. 20275

Sec. 3119.32. A child support order shall contain all of the 20276
following: 20277

(A)(1) If the obligor, obligee, or both obligor and obligee, 20278
are required under section 3119.30 of the Revised Code to provide 20279
~~private~~ health ~~insurance~~ care coverage for the children, a 20280
requirement that whoever is required to provide ~~private~~ health 20281
~~insurance~~ care coverage provide to the other, not later than 20282
thirty days after the issuance of the order, information regarding 20283
the benefits, limitations, and exclusions of the coverage, copies 20284
of any ~~insurance~~ forms necessary to receive reimbursement, 20285
payment, or other benefits under the coverage, and a copy of any 20286
necessary ~~insurance cards~~ proof of coverage; 20287

(2) If the obligor, obligee, or both obligor and obligee, are 20288
required under section 3119.30 of the Revised Code to provide 20289
~~private~~ health ~~insurance~~ care coverage for the children, a 20290
requirement that whoever is required to provide ~~private~~ health 20291
~~insurance~~ care coverage provide to the child support enforcement 20292
agency, not later than thirty days after the issuance of the 20293
order, documentation that verifies that coverage is being provided 20294
as ordered. 20295

(B) A statement setting forth the name and address of the 20296
individual who is to be reimbursed for medical expenses. 20297

(C) A requirement that a person required to provide ~~private~~ health ~~insurance~~ care coverage for the children designate the children as covered dependents under any ~~private~~ health ~~insurance~~ care coverage policy, contract, or plan ~~for which the person contracts~~.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth of each child who is the subject of the child support order.

(G) A notice that states the following: "If the person required to obtain ~~private~~ health care ~~insurance~~ coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source."

Sec. 3125.25. The director of job and family services shall 20329
adopt rules under Chapter 119. of the Revised Code governing the 20330
operation of support enforcement by child support enforcement 20331
agencies. The rules shall include, but shall not be limited to, 20332
the following: 20333

(A) Provisions relating to plans of cooperation between the 20334
agencies and boards of county commissioners entered into under 20335
section 3125.12 of the Revised Code; 20336

(B) Provisions for the compromise and waiver of child support 20337
arrearages owed to the state and federal government, consistent 20338
with Title IV-D of the "Social Security Act," 88 Stat. 2351 20339
(1975), 42 U.S.C. 651 et seq., as amended; 20340

(C) Requirements for public hearings by the agencies; 20341

(D) Provisions for appeals of agency decisions under 20342
procedures established by the director; 20343

(E) Provisions requiring the investigation and documentation 20344
of the factual basis for establishment and modification of support 20345
obligations in accordance with Title IV-D of the "Social Security 20346
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 20347
regulations promulgated by the United States department of health 20348
and human services; 20349

(F) Provisions establishing criteria for child support 20350
enforcement agencies to initiate an action under section 2705.031 20351
of the Revised Code in any case administered under Title IV-D of 20352
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 20353
seq. 20354

Sec. 3301.07. The state board of education shall exercise 20355
under the acts of the general assembly general supervision of the 20356
system of public education in the state. In addition to the powers 20357
otherwise imposed on the state board under the provisions of law, 20358

the board shall have the powers described in this section. 20359

(A) The state board shall exercise policy forming, planning, 20360
and evaluative functions for the public schools of the state 20361
except as otherwise provided by law. 20362

(B)(1) The state board shall exercise leadership in the 20363
improvement of public education in this state, and administer the 20364
educational policies of this state relating to public schools, and 20365
relating to instruction and instructional material, building and 20366
equipment, transportation of pupils, administrative 20367
responsibilities of school officials and personnel, and finance 20368
and organization of school districts, educational service centers, 20369
and territory. Consultative and advisory services in such matters 20370
shall be provided by the board to school districts and educational 20371
service centers of this state. 20372

(2) The state board also shall develop a standard of 20373
financial reporting which shall be used by each school district 20374
board of education and each governing board of an educational 20375
service center, each governing authority of a community school 20376
established under Chapter 3314., each governing body of a STEM 20377
school established under Chapter 3328., and each board of trustees 20378
of a college-preparatory boarding school established under Chapter 20379
3328. of the Revised Code to make its financial information and 20380
annual budgets for each school building under its control 20381
available to the public in a format understandable by the average 20382
citizen. The format shall show, both at the district and at the 20383
school building level, revenue by source; expenditures for 20384
salaries, wages, and benefits of employees, showing such amounts 20385
separately for classroom teachers, other employees required to 20386
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 20387
the Revised Code, and all other employees; expenditures other than 20388
for personnel, by category, including utilities, textbooks and 20389
other educational materials, equipment, permanent improvements, 20390

pupil transportation, extracurricular athletics, and other 20391
extracurricular activities; and per pupil expenditures. The format 20392
shall also include information on total revenue and expenditures, 20393
per pupil revenue, and expenditures for both classroom and 20394
nonclassroom purposes, as defined by the standards adopted under 20395
section 3302.20 of the Revised Code in the aggregate and for each 20396
subgroup of students, as defined by section 3317.40 of the Revised 20397
Code, that receives services provided for by state or federal 20398
funding. 20399

(3) Each school district board, governing authority, 20400
governing body, or board of trustees, or its respective designee, 20401
shall annually report, to the department of education, all 20402
financial information required by the standards for financial 20403
reporting, as prescribed by division (B)(2) of this section and 20404
adopted by the state board. The department shall make all reports 20405
submitted pursuant to this division available in such a way that 20406
allows for comparison between financial information included in 20407
these reports and financial information included in reports 20408
produced prior to July 1, 2013. The department shall post these 20409
reports in a prominent location on its web site and shall notify 20410
each school when reports are made available. 20411

(C) The state board shall administer and supervise the 20412
allocation and distribution of all state and federal funds for 20413
public school education under the provisions of law, and may 20414
prescribe such systems of accounting as are necessary and proper 20415
to this function. It may require county auditors and treasurers, 20416
boards of education, educational service center governing boards, 20417
treasurers of such boards, teachers, and other school officers and 20418
employees, or other public officers or employees, to file with it 20419
such reports as it may prescribe relating to such funds, or to the 20420
management and condition of such funds. 20421

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 20422

XLVII, and LI of the Revised Code a reference is made to standards 20423
prescribed under this section or division (D) of this section, 20424
that reference shall be construed to refer to the standards 20425
prescribed under division (D)(2) of this section, unless the 20426
context specifically indicates a different meaning or intent. 20427

(2) The state board shall formulate and prescribe minimum 20428
standards to be applied to all elementary and secondary schools in 20429
this state for the purpose of providing children access to a 20430
general education of high quality according to the learning needs 20431
of each individual, including students with disabilities, 20432
economically disadvantaged students, ~~limited English proficient~~ 20433
~~students~~ learners, and students identified as gifted. Such 20434
standards shall provide adequately for: the licensing of teachers, 20435
administrators, and other professional personnel and their 20436
assignment according to training and qualifications; efficient and 20437
effective instructional materials and equipment, including library 20438
facilities; the proper organization, administration, and 20439
supervision of each school, including regulations for preparing 20440
all necessary records and reports and the preparation of a 20441
statement of policies and objectives for each school; the 20442
provision of safe buildings, grounds, health and sanitary 20443
facilities and services; admission of pupils, and such 20444
requirements for their promotion from grade to grade as will 20445
assure that they are capable and prepared for the level of study 20446
to which they are certified; requirements for graduation; and such 20447
other factors as the board finds necessary. 20448

The state board shall base any standards governing the 20449
promotion of students or requirements for graduation on the 20450
ability of students, at any grade level, to earn credits or 20451
advance upon demonstration of mastery of knowledge and skills 20452
through competency-based learning models. Credits of grade level 20453
advancement shall not require a minimum number of days or hours in 20454

a classroom. 20455

The state board shall base any standards governing the 20456
assignment of staff on ensuring each school has a sufficient 20457
number of teachers to ensure a student has an appropriate level of 20458
interaction to meet each student's personal learning goals. 20459

In the formulation and administration of such standards for 20460
nonpublic schools the board shall also consider the particular 20461
needs, methods and objectives of those schools, provided they do 20462
not conflict with the provision of a general education of a high 20463
quality and provided that regular procedures shall be followed for 20464
promotion from grade to grade of pupils who have met the 20465
educational requirements prescribed. 20466

(3) In addition to the minimum standards required by division 20467
(D)(2) of this section, the state board may formulate and 20468
prescribe the following additional minimum operating standards for 20469
school districts: 20470

(a) Standards for the effective and efficient organization, 20471
administration, and supervision of each school district with a 20472
commitment to high expectations for every student based on the 20473
learning needs of each individual, including students with 20474
disabilities, economically disadvantaged students, ~~limited~~ English 20475
~~proficient students~~ learners, and students identified as gifted, 20476
and commitment to closing the achievement gap without suppressing 20477
the achievement levels of higher achieving students so that all 20478
students achieve core knowledge and skills in accordance with the 20479
statewide academic standards adopted under section 3301.079 of the 20480
Revised Code; 20481

(b) Standards for the establishment of business advisory 20482
councils under section 3313.82 of the Revised Code; 20483

(c) Standards for school district buildings that may require 20484
the effective and efficient organization, administration, and 20485

supervision of each school district building with a commitment to 20486
high expectations for every student based on the learning needs of 20487
each individual, including students with disabilities, 20488
economically disadvantaged students, ~~limited English proficient~~ 20489
~~students~~ learners, and students identified as gifted, and 20490
commitment to closing the achievement gap without suppressing the 20491
achievement levels of higher achieving students so that all 20492
students achieve core knowledge and skills in accordance with the 20493
statewide academic standards adopted under section 3301.079 of the 20494
Revised Code. 20495

(E) The state board may require as part of the health 20496
curriculum information developed under section 2108.34 of the 20497
Revised Code promoting the donation of anatomical gifts pursuant 20498
to Chapter 2108. of the Revised Code and may provide the 20499
information to high schools, educational service centers, and 20500
joint vocational school district boards of education; 20501

(F) The state board shall prepare and submit annually to the 20502
governor and the general assembly a report on the status, needs, 20503
and major problems of the public schools of the state, with 20504
recommendations for necessary legislative action and a ten-year 20505
projection of the state's public and nonpublic school enrollment, 20506
by year and by grade level. 20507

(G) The state board shall prepare and submit to the director 20508
of budget and management the biennial budgetary requests of the 20509
state board of education, for its agencies and for the public 20510
schools of the state. 20511

(H) The state board shall cooperate with federal, state, and 20512
local agencies concerned with the health and welfare of children 20513
and youth of the state. 20514

(I) The state board shall require such reports from school 20515
districts and educational service centers, school officers, and 20516

employees as are necessary and desirable. The superintendents and 20517
treasurers of school districts and educational service centers 20518
shall certify as to the accuracy of all reports required by law or 20519
state board or state department of education rules to be submitted 20520
by the district or educational service center and which contain 20521
information necessary for calculation of state funding. Any 20522
superintendent who knowingly falsifies such report shall be 20523
subject to license revocation pursuant to section 3319.31 of the 20524
Revised Code. 20525

(J) In accordance with Chapter 119. of the Revised Code, the 20526
state board shall adopt procedures, standards, and guidelines for 20527
the education of children with disabilities pursuant to Chapter 20528
3323. of the Revised Code, including procedures, standards, and 20529
guidelines governing programs and services operated by county 20530
boards of developmental disabilities pursuant to section 3323.09 20531
of the Revised Code. 20532

(K) For the purpose of encouraging the development of special 20533
programs of education for academically gifted children, the state 20534
board shall employ competent persons to analyze and publish data, 20535
promote research, advise and counsel with boards of education, and 20536
encourage the training of teachers in the special instruction of 20537
gifted children. The board may provide financial assistance out of 20538
any funds appropriated for this purpose to boards of education and 20539
educational service center governing boards for developing and 20540
conducting programs of education for academically gifted children. 20541

(L) The state board shall require that all public schools 20542
emphasize and encourage, within existing units of study, the 20543
teaching of energy and resource conservation as recommended to 20544
each district board of education by leading business persons 20545
involved in energy production and conservation, beginning in the 20546
primary grades. 20547

(M) The state board shall formulate and prescribe minimum 20548

standards requiring the use of phonics as a technique in the 20549
teaching of reading in grades kindergarten through three. In 20550
addition, the state board shall provide in-service training 20551
programs for teachers on the use of phonics as a technique in the 20552
teaching of reading in grades kindergarten through three. 20553

(N) The state board may adopt rules necessary for carrying 20554
out any function imposed on it by law, and may provide rules as 20555
are necessary for its government and the government of its 20556
employees, and may delegate to the superintendent of public 20557
instruction the management and administration of any function 20558
imposed on it by law. It may provide for the appointment of board 20559
members to serve on temporary committees established by the board 20560
for such purposes as are necessary. Permanent or standing 20561
committees shall not be created. 20562

(O) Upon application from the board of education of a school 20563
district, the superintendent of public instruction may issue a 20564
waiver exempting the district from compliance with the standards 20565
adopted under divisions (B)(2) and (D) of this section, as they 20566
relate to the operation of a school operated by the district. The 20567
state board shall adopt standards for the approval or disapproval 20568
of waivers under this division. The state superintendent shall 20569
consider every application for a waiver, and shall determine 20570
whether to grant or deny a waiver in accordance with the state 20571
board's standards. For each waiver granted, the state 20572
superintendent shall specify the period of time during which the 20573
waiver is in effect, which shall not exceed five years. A district 20574
board may apply to renew a waiver. 20575

Sec. 3301.0710. The state board of education shall adopt 20576
rules establishing a statewide program to assess student 20577
achievement. The state board shall ensure that all assessments 20578
administered under the program are aligned with the academic 20579

standards and model curricula adopted by the state board and are 20580
created with input from Ohio parents, Ohio classroom teachers, 20581
Ohio school administrators, and other Ohio school personnel 20582
pursuant to section 3301.079 of the Revised Code. 20583

The assessment program shall be designed to ensure that 20584
students who receive a high school diploma demonstrate at least 20585
high school levels of achievement in English language arts, 20586
mathematics, science, and social studies. 20587

(A)(1) The state board shall prescribe all of the following: 20588

(a) Two statewide achievement assessments, one each designed 20589
to measure the level of English language arts and mathematics 20590
skill expected at the end of third grade; 20591

(b) Two statewide achievement assessments, one each designed 20592
to measure the level of English language arts and mathematics 20593
skill expected at the end of fourth grade; 20594

(c) Three statewide achievement assessments, one each 20595
designed to measure the level of English language arts, 20596
mathematics, and science skill expected at the end of fifth grade; 20597

(d) Two statewide achievement assessments, one each designed 20598
to measure the level of English language arts and mathematics 20599
skill expected at the end of sixth grade; 20600

(e) Two statewide achievement assessments, one each designed 20601
to measure the level of English language arts and mathematics 20602
skill expected at the end of seventh grade; 20603

(f) Three statewide achievement assessments, one each 20604
designed to measure the level of English language arts, 20605
mathematics, and science skill expected at the end of eighth 20606
grade. 20607

(2) The state board shall determine and designate at least 20608
five ranges of scores on each of the achievement assessments 20609

described in divisions (A)(1) and (B)(1) of this section. Each 20610
range of scores shall be deemed to demonstrate a level of 20611
achievement so that any student attaining a score within such 20612
range has achieved one of the following: 20613

(a) An advanced level of skill; 20614

(b) An accelerated level of skill; 20615

(c) A proficient level of skill; 20616

(d) A basic level of skill; 20617

(e) A limited level of skill. 20618

(3) For the purpose of implementing division (A) of section 20619
3313.608 of the Revised Code, the state board shall determine and 20620
designate a level of achievement, not lower than the level 20621
designated in division (A)(2)(e) of this section, on the third 20622
grade English language arts assessment for a student to be 20623
promoted to the fourth grade. The state board shall review and 20624
adjust upward the level of achievement designated under this 20625
division each year the test is administered until the level is set 20626
equal to the level designated in division (A)(2)(c) of this 20627
section. 20628

(4) Each school district or school shall teach and assess 20629
social studies in at least the fourth and sixth grades. Any 20630
assessment in such area shall be determined by the district or 20631
school and may be formative or summative in nature. The results of 20632
such assessment shall not be reported to the department of 20633
education. 20634

(B)(1) The assessments prescribed under division (B)(1) of 20635
this section shall collectively be known as the Ohio graduation 20636
tests. The state board shall prescribe five statewide high school 20637
achievement assessments, one each designed to measure the level of 20638
reading, writing, mathematics, science, and social studies skill 20639

expected at the end of tenth grade. The state board shall 20640
designate a score in at least the range designated under division 20641
(A)(2)(c) of this section on each such assessment that shall be 20642
deemed to be a passing score on the assessment as a condition 20643
toward granting high school diplomas under sections 3313.61, 20644
3313.611, 3313.612, and 3325.08 of the Revised Code until the 20645
assessment system prescribed by section 3301.0712 of the Revised 20646
Code is implemented in accordance with division (B)(2) of this 20647
section. 20648

(2) The state board shall prescribe an assessment system in 20649
accordance with section 3301.0712 of the Revised Code that shall 20650
replace the Ohio graduation tests beginning with students who 20651
enter the ninth grade for the first time on or after July 1, 2014. 20652

(3) The state board may enter into a reciprocal agreement 20653
with the appropriate body or agency of any other state that has 20654
similar statewide achievement assessment requirements for 20655
receiving high school diplomas, under which any student who has 20656
met an achievement assessment requirement of one state is 20657
recognized as having met the similar requirement of the other 20658
state for purposes of receiving a high school diploma. For 20659
purposes of this section and sections 3301.0711 and 3313.61 of the 20660
Revised Code, any student enrolled in any public high school in 20661
this state who has met an achievement assessment requirement 20662
specified in a reciprocal agreement entered into under this 20663
division shall be deemed to have attained at least the applicable 20664
score designated under this division on each assessment required 20665
by division (B)(1) or (2) of this section that is specified in the 20666
agreement. 20667

(C) The superintendent of public instruction shall designate 20668
dates and times for the administration of the assessments 20669
prescribed by divisions (A) and (B) of this section. 20670

In prescribing administration dates pursuant to this 20671

division, the superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of assessments prescribed under this section and any administration of the national assessment of educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.

(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(1) of this section that is of comparable length to the actual test.

(E) Any committee established by the department of education for the purpose of making recommendations to the state board regarding the state board's designation of scores on the assessments described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A)(2) of this section on the assessments if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, ~~limited English proficient students~~ learners, economically disadvantaged students, students with disabilities, and migrant students.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In

furnishing the practice versions of Ohio graduation tests 20703
prescribed by division (D) of section 3301.0710 of the Revised 20704
Code, the department shall make the tests available on its web 20705
site for reproduction by districts. In awarding contracts for 20706
grading assessments, the department shall give preference to 20707
Ohio-based entities employing Ohio residents. 20708

(2) Adopt rules for the ethical use of assessments and 20709
prescribing the manner in which the assessments prescribed by 20710
section 3301.0710 of the Revised Code shall be administered to 20711
students. 20712

(B) Except as provided in divisions (C) and (J) of this 20713
section, the board of education of each city, local, and exempted 20714
village school district shall, in accordance with rules adopted 20715
under division (A) of this section: 20716

(1) Administer the English language arts assessments 20717
prescribed under division (A)(1)(a) of section 3301.0710 of the 20718
Revised Code twice annually to all students in the third grade who 20719
have not attained the score designated for that assessment under 20720
division (A)(2)(c) of section 3301.0710 of the Revised Code. 20721

(2) Administer the mathematics assessment prescribed under 20722
division (A)(1)(a) of section 3301.0710 of the Revised Code at 20723
least once annually to all students in the third grade. 20724

(3) Administer the assessments prescribed under division 20725
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 20726
annually to all students in the fourth grade. 20727

(4) Administer the assessments prescribed under division 20728
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 20729
annually to all students in the fifth grade. 20730

(5) Administer the assessments prescribed under division 20731
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 20732
annually to all students in the sixth grade. 20733

(6) Administer the assessments prescribed under division	20734
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	20735
annually to all students in the seventh grade.	20736
(7) Administer the assessments prescribed under division	20737
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	20738
annually to all students in the eighth grade.	20739
(8) Except as provided in division (B)(9) of this section,	20740
administer any assessment prescribed under division (B)(1) of	20741
section 3301.0710 of the Revised Code as follows:	20742
(a) At least once annually to all tenth grade students and at	20743
least twice annually to all students in eleventh or twelfth grade	20744
who have not yet attained the score on that assessment designated	20745
under that division;	20746
(b) To any person who has successfully completed the	20747
curriculum in any high school or the individualized education	20748
program developed for the person by any high school pursuant to	20749
section 3323.08 of the Revised Code but has not received a high	20750
school diploma and who requests to take such assessment, at any	20751
time such assessment is administered in the district.	20752
(9) In lieu of the board of education of any city, local, or	20753
exempted village school district in which the student is also	20754
enrolled, the board of a joint vocational school district shall	20755
administer any assessment prescribed under division (B)(1) of	20756
section 3301.0710 of the Revised Code at least twice annually to	20757
any student enrolled in the joint vocational school district who	20758
has not yet attained the score on that assessment designated under	20759
that division. A board of a joint vocational school district may	20760
also administer such an assessment to any student described in	20761
division (B)(8)(b) of this section.	20762
(10) If the district has a three-year average graduation rate	20763
of not more than seventy-five per cent, administer each assessment	20764

prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in division (B)(11)(b) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with

division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment. No board shall prohibit a student who is not required to take an assessment under division (C)(1) of this section from taking the assessment.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if either of the following apply:

(I) A plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that assessment.

(II) The chartered nonpublic school develops a written plan 20829
in which the school, in consultation with the student's parents, 20830
determines that an assessment or alternative assessment with 20831
accommodations does not accurately assess the student's academic 20832
performance. The plan shall include an academic profile of the 20833
student's academic performance and shall be reviewed annually to 20834
determine if the student's needs continue to require excusal from 20835
taking the assessment. 20836

(ii) A student with significant cognitive disabilities to 20837
whom an alternate assessment is administered in accordance with 20838
division (C)(1) of this section and a student determined to have a 20839
disability that includes an intellectual disability as outlined in 20840
guidance issued by the department shall not be required to take 20841
the assessment prescribed under division (B)(1) of section 20842
3301.0712 of the Revised Code. 20843

(iii) In the case of any student so excused from taking an 20844
assessment under division (C)(1)(c) of this section, the chartered 20845
nonpublic school shall not prohibit the student from taking the 20846
assessment. 20847

(2) A district board may, for medical reasons or other good 20848
cause, excuse a student from taking an assessment administered 20849
under this section on the date scheduled, but that assessment 20850
shall be administered to the excused student not later than nine 20851
days following the scheduled date. The district board shall 20852
annually report the number of students who have not taken one or 20853
more of the assessments required by this section to the state 20854
board not later than the thirtieth day of June. 20855

(3) As used in this division, "~~limited English proficient~~ 20856
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 20857

No school district board shall excuse any ~~limited English~~ 20858
~~proficient student learner~~ from taking any particular assessment 20859

required to be administered under this section, except as follows: 20860

(a) Any ~~limited English proficient student~~ learner who has 20861
been enrolled in United States schools for less than two years and 20862
for whom no appropriate accommodations are available based on 20863
guidance issued by the department shall not be required to take 20864
the assessment prescribed under division (B)(1) of section 20865
3301.0712 of the Revised Code. 20866

(b) Any ~~limited English proficient student~~ learner who has 20867
been enrolled in United States schools for less than one full 20868
school year shall not be required to take any reading, writing, or 20869
English language arts assessment. 20870

However, no board shall prohibit a ~~limited~~ an English 20871
~~proficient student~~ learner who is not required to take an 20872
assessment under division (C)(3) of this section from taking the 20873
assessment. A board may permit any ~~limited English proficient~~ 20874
~~student~~ learner to take an assessment required to be administered 20875
under this section with appropriate accommodations, as determined 20876
by the department. For each ~~limited English proficient student~~ 20877
learner, each school district shall annually assess that student's 20878
progress in learning English, in accordance with procedures 20879
approved by the department. 20880

(4)(a) The governing authority of a chartered nonpublic 20881
school may excuse a ~~limited~~ an English ~~proficient student~~ learner 20882
from taking any assessment administered under this section. 20883

(b) No governing authority shall require a ~~limited~~ an English 20884
~~proficient student~~ learner who has been enrolled in United States 20885
schools for less than two years and for whom no appropriate 20886
accommodations are available based on guidance issued by the 20887
department to take the assessment prescribed under division (B)(1) 20888
of section 3301.0712 of the Revised Code. 20889

(c) No governing authority shall prohibit a ~~limited~~ an 20890

English ~~proficient student~~ learner from taking an assessment from 20891
which the student was excused under division (C)(4) of this 20892
section. 20893

(D)(1) In the school year next succeeding the school year in 20894
which the assessments prescribed by division (A)(1) or (B)(1) of 20895
section 3301.0710 of the Revised Code or former division (A)(1), 20896
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 20897
existed prior to September 11, 2001, are administered to any 20898
student, the board of education of any school district in which 20899
the student is enrolled in that year shall provide to the student 20900
intervention services commensurate with the student's performance, 20901
including any intensive intervention required under section 20902
3313.608 of the Revised Code, in any skill in which the student 20903
failed to demonstrate at least a score at the proficient level on 20904
the assessment. 20905

(2) Following any administration of the assessments 20906
prescribed by division (D) of section 3301.0710 of the Revised 20907
Code to ninth grade students, each school district that has a 20908
three-year average graduation rate of not more than seventy-five 20909
per cent shall determine for each high school in the district 20910
whether the school shall be required to provide intervention 20911
services to any students who took the assessments. In determining 20912
which high schools shall provide intervention services based on 20913
the resources available, the district shall consider each school's 20914
graduation rate and scores on the practice assessments. The 20915
district also shall consider the scores received by ninth grade 20916
students on the English language arts and mathematics assessments 20917
prescribed under division (A)(1)(f) of section 3301.0710 of the 20918
Revised Code in the eighth grade in determining which high schools 20919
shall provide intervention services. 20920

Each high school selected to provide intervention services 20921
under this division shall provide intervention services to any 20922

student whose results indicate that the student is failing to make 20923
satisfactory progress toward being able to attain scores at the 20924
proficient level on the Ohio graduation tests. Intervention 20925
services shall be provided in any skill in which a student 20926
demonstrates unsatisfactory progress and shall be commensurate 20927
with the student's performance. Schools shall provide the 20928
intervention services prior to the end of the school year, during 20929
the summer following the ninth grade, in the next succeeding 20930
school year, or at any combination of those times. 20931

(E) Except as provided in section 3313.608 of the Revised 20932
Code and division (N) of this section, no school district board of 20933
education shall utilize any student's failure to attain a 20934
specified score on an assessment administered under this section 20935
as a factor in any decision to deny the student promotion to a 20936
higher grade level. However, a district board may choose not to 20937
promote to the next grade level any student who does not take an 20938
assessment administered under this section or make up an 20939
assessment as provided by division (C)(2) of this section and who 20940
is not exempt from the requirement to take the assessment under 20941
division (C)(3) of this section. 20942

(F) No person shall be charged a fee for taking any 20943
assessment administered under this section. 20944

(G)(1) Each school district board shall designate one 20945
location for the collection of assessments administered in the 20946
spring under division (B)(1) of this section and those 20947
administered under divisions (B)(2) to (7) of this section. Each 20948
district board shall submit the assessments to the entity with 20949
which the department contracts for the scoring of the assessments 20950
as follows: 20951

(a) If the district's total enrollment in grades kindergarten 20952
through twelve during the first full school week of October was 20953
less than two thousand five hundred, not later than the Friday 20954

after all of the assessments have been administered; 20955

(b) If the district's total enrollment in grades kindergarten 20956
through twelve during the first full school week of October was 20957
two thousand five hundred or more, but less than seven thousand, 20958
not later than the Monday after all of the assessments have been 20959
administered; 20960

(c) If the district's total enrollment in grades kindergarten 20961
through twelve during the first full school week of October was 20962
seven thousand or more, not later than the Tuesday after all of 20963
the assessments have been administered. 20964

However, any assessment that a student takes during the 20965
make-up period described in division (C)(2) of this section shall 20966
be submitted not later than the Friday following the day the 20967
student takes the assessment. 20968

(2) The department or an entity with which the department 20969
contracts for the scoring of the assessment shall send to each 20970
school district board a list of the individual scores of all 20971
persons taking a state achievement assessment as follows: 20972

(a) Except as provided in division (G)(2)(b) or (c) of this 20973
section, within forty-five days after the administration of the 20974
assessments prescribed by sections 3301.0710 and 3301.0712 of the 20975
Revised Code, but in no case shall the scores be returned later 20976
than the thirtieth day of June following the administration; 20977

(b) In the case of the third-grade English language arts 20978
assessment, within forty-five days after the administration of 20979
that assessment, but in no case shall the scores be returned later 20980
than the fifteenth day of June following the administration; 20981

(c) In the case of the writing component of an assessment or 20982
end-of-course examination in the area of English language arts, 20983
except for the third-grade English language arts assessment, the 20984
results may be sent after forty-five days of the administration of 20985

the writing component, but in no case shall the scores be returned 20986
later than the thirtieth day of June following the administration. 20987

(3) For assessments administered under this section by a 20988
joint vocational school district, the department or entity shall 20989
also send to each city, local, or exempted village school district 20990
a list of the individual scores of any students of such city, 20991
local, or exempted village school district who are attending 20992
school in the joint vocational school district. 20993

(4) Beginning with the 2019-2020 school year, a school 20994
district, other public school, or chartered nonpublic school may 20995
administer the third-grade English language arts or mathematics 20996
assessment, or both, in a paper format in any school year for 20997
which the district board of education or school governing body 20998
adopts a resolution indicating that the district or school chooses 20999
to administer the assessment in a paper format. The board or 21000
governing body shall submit a copy of the resolution to the 21001
department of education not later than the first day of May prior 21002
to the school year for which it will apply. If the resolution is 21003
submitted, the district or school shall administer the assessment 21004
in a paper format to all students in the third grade, except that 21005
any student whose individualized education program or plan 21006
developed under section 504 of the "Rehabilitation Act of 1973," 21007
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 21008
assessment in an online format is an appropriate accommodation for 21009
the student may take the assessment in an online format. 21010

(H) Individual scores on any assessments administered under 21011
this section shall be released by a district board only in 21012
accordance with section 3319.321 of the Revised Code and the rules 21013
adopted under division (A) of this section. No district board or 21014
its employees shall utilize individual or aggregate results in any 21015
manner that conflicts with rules for the ethical use of 21016
assessments adopted pursuant to division (A) of this section. 21017

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not

established, would be entitled to attend school in the city, 21050
local, or exempted village school district pursuant to section 21051
3313.64 or 3313.65 of the Revised Code; 21052

(b) Persons described in division (B)(8)(b) of this section. 21053

Any assessment of students pursuant to such an agreement 21054
shall be in lieu of any assessment of such students or persons 21055
pursuant to this section. 21056

(K)(1)(a) Except as otherwise provided in division (K)(1) or 21057
(2) of this section, each chartered nonpublic school for which at 21058
least sixty-five per cent of its total enrollment is made up of 21059
students who are participating in state scholarship programs shall 21060
administer the ~~elementary~~ assessments prescribed by division (A) 21061
of section 3301.0710 of the Revised Code or an alternative 21062
standardized assessment determined by the department. In 21063
accordance with procedures and deadlines prescribed by the 21064
department, the parent or guardian of a student enrolled in the 21065
school who is not participating in a state scholarship program may 21066
submit notice to the chief administrative officer of the school 21067
that the parent or guardian does not wish to have the student take 21068
the ~~elementary~~ assessments prescribed for the student's grade 21069
level under division (A) of section 3301.0710 of the Revised Code. 21070
If a parent or guardian submits an opt-out notice, the school 21071
shall not administer the assessments to that student. This option 21072
does not apply to any assessment required for a high school 21073
diploma under section 3313.612 of the Revised Code. 21074

(b) Any chartered nonpublic school that enrolls students who 21075
are participating in state scholarship programs may administer an 21076
alternative standardized assessment determined by the department 21077
instead of the assessments prescribed by division (A) of section 21078
3301.0710 of the Revised Code. 21079

Each chartered nonpublic school subject to division (K)(1)(a) 21080

or (b) of this section shall report the results of each assessment 21081
administered under those divisions to the department. 21082

(2) A chartered nonpublic school may submit to the 21083
superintendent of public instruction a request for a waiver from 21084
administering the elementary assessments prescribed by division 21085
(A) of section 3301.0710 of the Revised Code. The state 21086
superintendent shall approve or disapprove a request for a waiver 21087
submitted under division (K)(2) of this section. No waiver shall 21088
be approved for any school year prior to the 2015-2016 school 21089
year. 21090

To be eligible to submit a request for a waiver, a chartered 21091
nonpublic school shall meet the following conditions: 21092

(a) At least ninety-five per cent of the students enrolled in 21093
the school are children with disabilities, as defined under 21094
section 3323.01 of the Revised Code, or have received a diagnosis 21095
by a school district or from a physician, including a 21096
neuropsychiatrist or psychiatrist, or a psychologist who is 21097
authorized to practice in this or another state as having a 21098
condition that impairs academic performance, such as dyslexia, 21099
dyscalculia, attention deficit hyperactivity disorder, or 21100
Asperger's syndrome. 21101

(b) The school has solely served a student population 21102
described in division (K)(1)(a) of this section for at least ten 21103
years. 21104

(c) The school provides to the department at least five years 21105
of records of internal testing conducted by the school that 21106
affords the department data required for accountability purposes, 21107
including diagnostic assessments and nationally standardized 21108
norm-referenced achievement assessments that measure reading and 21109
math skills. 21110

(3) Any chartered nonpublic school that is not subject to 21111

division (K)(1) of this section may participate in the assessment 21112
program by administering any of the assessments prescribed by 21113
division (A) of section 3301.0710 of the Revised Code. The chief 21114
administrator of the school shall specify which assessments the 21115
school will administer. Such specification shall be made in 21116
writing to the superintendent of public instruction prior to the 21117
first day of August of any school year in which assessments are 21118
administered and shall include a pledge that the nonpublic school 21119
will administer the specified assessments in the same manner as 21120
public schools are required to do under this section and rules 21121
adopted by the department. 21122

(4) The department of education shall furnish the assessments 21123
prescribed by section 3301.0710 of the Revised Code to each 21124
chartered nonpublic school that is subject to division (K)(1) of 21125
this section or participates under division (K)(3) of this 21126
section. 21127

(L) If a chartered nonpublic school is educating students in 21128
grades nine through twelve, the following shall apply: 21129

(1) Except as provided in division (L)(4) of this section, 21130
for a student who is enrolled in a chartered nonpublic school that 21131
is accredited through the independent schools association of the 21132
central states and who is attending the school under a state 21133
scholarship program, the student shall either take all of the 21134
assessments prescribed by division (B) of section 3301.0712 of the 21135
Revised Code or take an alternative assessment approved by the 21136
department under section 3313.619 of the Revised Code. However, a 21137
student who is excused from taking an assessment under division 21138
(C) of this section or has presented evidence to the chartered 21139
nonpublic school of having satisfied the condition prescribed by 21140
division (A)(1) of section 3313.618 of the Revised Code to qualify 21141
for a high school diploma prior to the date of the administration 21142
of the assessment prescribed under division (B)(1) of section 21143

3301.0712 of the Revised Code shall not be required to take that 21144
assessment. No governing authority of a chartered nonpublic school 21145
shall prohibit a student who is not required to take such 21146
assessment from taking the assessment. 21147

(2) For a student who is enrolled in a chartered nonpublic 21148
school that is accredited through the independent schools 21149
association of the central states, and who is not attending the 21150
school under a state scholarship program, the student shall not be 21151
required to take any assessment prescribed under section 3301.0712 21152
or 3313.619 of the Revised Code. 21153

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 21154
this section, for a student who is enrolled in a chartered 21155
nonpublic school that is not accredited through the independent 21156
schools association of the central states, regardless of whether 21157
the student is attending or is not attending the school under a 21158
state scholarship program, the student shall do one of the 21159
following: 21160

(i) Take all of the assessments prescribed by division (B) of 21161
section 3301.0712 of the Revised Code; 21162

(ii) Take only the assessment prescribed by division (B)(1) 21163
of section 3301.0712 of the Revised Code, provided that the 21164
student's school publishes the results of that assessment for each 21165
graduating class. The published results of that assessment shall 21166
include the overall composite scores, mean scores, twenty-fifth 21167
percentile scores, and seventy-fifth percentile scores for each 21168
subject area of the assessment. 21169

(iii) Take an alternative assessment approved by the 21170
department under section 3313.619 of the Revised Code. 21171

(b) A student who is excused from taking an assessment under 21172
division (C) of this section or has presented evidence to the 21173
chartered nonpublic school of having satisfied the condition 21174

prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student

attending such school regardless of whether the student receives 21206
special education or related services and regardless of whether 21207
the student is attending the school under a state scholarship 21208
program. 21209

(M)(1) The superintendent of the state school for the blind 21210
and the superintendent of the state school for the deaf shall 21211
administer the assessments described by sections 3301.0710 and 21212
3301.0712 of the Revised Code. Each superintendent shall 21213
administer the assessments in the same manner as district boards 21214
are required to do under this section and rules adopted by the 21215
department of education and in conformity with division (C)(1)(a) 21216
of this section. 21217

(2) The department of education shall furnish the assessments 21218
described by sections 3301.0710 and 3301.0712 of the Revised Code 21219
to each superintendent. 21220

(N) Notwithstanding division (E) of this section, a school 21221
district may use a student's failure to attain a score in at least 21222
the proficient range on the mathematics assessment described by 21223
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 21224
an assessment described by division (A)(1)(b), (c), (d), (e), or 21225
(f) of section 3301.0710 of the Revised Code as a factor in 21226
retaining that student in the current grade level. 21227

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 21228
and (7) of this section, the assessments required by division 21229
(A)(1) of section 3301.0710 of the Revised Code shall become 21230
public records pursuant to section 149.43 of the Revised Code on 21231
the thirty-first day of July following the school year that the 21232
assessments were administered. 21233

(2) The department may field test proposed questions with 21234
samples of students to determine the validity, reliability, or 21235
appropriateness of questions for possible inclusion in a future 21236

year's assessment. The department also may use anchor questions on 21237
assessments to ensure that different versions of the same 21238
assessment are of comparable difficulty. 21239

Field test questions and anchor questions shall not be 21240
considered in computing scores for individual students. Field test 21241
questions and anchor questions may be included as part of the 21242
administration of any assessment required by division (A)(1) or 21243
(B) of section 3301.0710 and division (B) of section 3301.0712 of 21244
the Revised Code. 21245

(3) Any field test question or anchor question administered 21246
under division (O)(2) of this section shall not be a public 21247
record. Such field test questions and anchor questions shall be 21248
redacted from any assessments which are released as a public 21249
record pursuant to division (O)(1) of this section. 21250

(4) This division applies to the assessments prescribed by 21251
division (A) of section 3301.0710 of the Revised Code. 21252

(a) The first administration of each assessment, as specified 21253
in former section 3301.0712 of the Revised Code, shall be a public 21254
record. 21255

(b) For subsequent administrations of each assessment prior 21256
to the 2011-2012 school year, not less than forty per cent of the 21257
questions on the assessment that are used to compute a student's 21258
score shall be a public record. The department shall determine 21259
which questions will be needed for reuse on a future assessment 21260
and those questions shall not be public records and shall be 21261
redacted from the assessment prior to its release as a public 21262
record. However, for each redacted question, the department shall 21263
inform each city, local, and exempted village school district of 21264
the statewide academic standard adopted by the state board under 21265
section 3301.079 of the Revised Code and the corresponding 21266
benchmark to which the question relates. The preceding sentence 21267

does not apply to field test questions that are redacted under 21268
division (O)(3) of this section. 21269

(c) The administrations of each assessment in the 2011-2012, 21270
2012-2013, and 2013-2014 school years shall not be a public 21271
record. 21272

(5) Each assessment prescribed by division (B)(1) of section 21273
3301.0710 of the Revised Code shall not be a public record. 21274

(6)(a) Except as provided in division (O)(6)(b) of this 21275
section, for the administrations in the 2014-2015, 2015-2016, and 21276
2016-2017 school years, questions on the assessments prescribed 21277
under division (A) of section 3301.0710 and division (B)(2) of 21278
section 3301.0712 of the Revised Code and the corresponding 21279
preferred answers that are used to compute a student's score shall 21280
become a public record as follows: 21281

(i) Forty per cent of the questions and preferred answers on 21282
the assessments on the thirty-first day of July following the 21283
administration of the assessment; 21284

(ii) Twenty per cent of the questions and preferred answers 21285
on the assessment on the thirty-first day of July one year after 21286
the administration of the assessment; 21287

(iii) The remaining forty per cent of the questions and 21288
preferred answers on the assessment on the thirty-first day of 21289
July two years after the administration of the assessment. 21290

The entire content of an assessment shall become a public 21291
record within three years of its administration. 21292

The department shall make the questions that become a public 21293
record under this division readily accessible to the public on the 21294
department's web site. Questions on the spring administration of 21295
each assessment shall be released on an annual basis, in 21296
accordance with this division. 21297

(b) No questions and corresponding preferred answers shall 21298
become a public record under division (O)(6) of this section after 21299
July 31, 2017. 21300

(7) Division (O)(7) of this section applies to the 21301
assessments prescribed by division (A) of section 3301.0710 and 21302
division (B)(2) of section 3301.0712 of the Revised Code. 21303

Beginning with the assessments administered in the spring of 21304
the 2017-2018 school year, not less than forty per cent of the 21305
questions on each assessment that are used to compute a student's 21306
score shall be a public record. The department shall determine 21307
which questions will be needed for reuse on a future assessment 21308
and those questions shall not be public records and shall be 21309
redacted from the assessment prior to its release as a public 21310
record. However, for each redacted question, the department shall 21311
inform each city, local, and exempted village school district of 21312
the corresponding statewide academic standard adopted by the state 21313
board under section 3301.079 of the Revised Code and the 21314
corresponding benchmark to which the question relates. The 21315
department is not required to provide corresponding standards and 21316
benchmarks to field test questions that are redacted under 21317
division (O)(3) of this section. 21318

(P) As used in this section: 21319

(1) "Three-year average" means the average of the most recent 21320
consecutive three school years of data. 21321

(2) "Dropout" means a student who withdraws from school 21322
before completing course requirements for graduation and who is 21323
not enrolled in an education program approved by the state board 21324
of education or an education program outside the state. "Dropout" 21325
does not include a student who has departed the country. 21326

(3) "Graduation rate" means the ratio of students receiving a 21327
diploma to the number of students who entered ninth grade four 21328

years earlier. Students who transfer into the district are added 21329
to the calculation. Students who transfer out of the district for 21330
reasons other than dropout are subtracted from the calculation. If 21331
a student who was a dropout in any previous year returns to the 21332
same school district, that student shall be entered into the 21333
calculation as if the student had entered ninth grade four years 21334
before the graduation year of the graduating class that the 21335
student joins. 21336

(4) "State scholarship programs" means the educational choice 21337
scholarship pilot program established under sections 3310.01 to 21338
3310.17 of the Revised Code, the autism scholarship program 21339
established under section 3310.41 of the Revised Code, the Jon 21340
Peterson special needs scholarship program established under 21341
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 21342
project scholarship program established under sections 3313.974 to 21343
3313.979 of the Revised Code. 21344

(5) "Other public school" means a community school 21345
established under Chapter 3314., a STEM school established under 21346
Chapter 3326., or a college-preparatory boarding school 21347
established under Chapter 3328. of the Revised Code. 21348

Sec. 3301.0714. (A) The state board of education shall adopt 21349
rules for a statewide education management information system. The 21350
rules shall require the state board to establish guidelines for 21351
the establishment and maintenance of the system in accordance with 21352
this section and the rules adopted under this section. The 21353
guidelines shall include: 21354

(1) Standards identifying and defining the types of data in 21355
the system in accordance with divisions (B) and (C) of this 21356
section; 21357

(2) Procedures for annually collecting and reporting the data 21358
to the state board in accordance with division (D) of this 21359

section;	21360
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	21361 21362
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	21363 21364
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	21365 21366
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	21367 21368 21369
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	21370 21371 21372
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	21373 21374 21375 21376 21377 21378 21379 21380 21381 21382 21383 21384 21385 21386 21387 21388 21389 21390

(b) The numbers of students receiving support or	21391
extracurricular services for each of the support services or	21392
extracurricular programs offered by the school district, such as	21393
counseling services, health services, and extracurricular sports	21394
and fine arts programs. The categories of services required by the	21395
guidelines under this division shall be the same as the categories	21396
of services used in determining cost units pursuant to division	21397
(C)(4)(a) of this section.	21398
(c) Average student grades in each subject in grades nine	21399
through twelve;	21400
(d) Academic achievement levels as assessed under sections	21401
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	21402
(e) The number of students designated as having a disabling	21403
condition pursuant to division (C)(1) of section 3301.0711 of the	21404
Revised Code;	21405
(f) The numbers of students reported to the state board	21406
pursuant to division (C)(2) of section 3301.0711 of the Revised	21407
Code;	21408
(g) Attendance rates and the average daily attendance for the	21409
year. For purposes of this division, a student shall be counted as	21410
present for any field trip that is approved by the school	21411
administration.	21412
(h) Expulsion rates;	21413
(i) Suspension rates;	21414
(j) Dropout rates;	21415
(k) Rates of retention in grade;	21416
(l) For pupils in grades nine through twelve, the average	21417
number of carnegie units, as calculated in accordance with state	21418
board of education rules;	21419
(m) Graduation rates, to be calculated in a manner specified	21420

by the department of education that reflects the rate at which 21421
students who were in the ninth grade three years prior to the 21422
current year complete school and that is consistent with 21423
nationally accepted reporting requirements; 21424

(n) Results of diagnostic assessments administered to 21425
kindergarten students as required under section 3301.0715 of the 21426
Revised Code to permit a comparison of the academic readiness of 21427
kindergarten students. However, no district shall be required to 21428
report to the department the results of any diagnostic assessment 21429
administered to a kindergarten student, except for the language 21430
and reading assessment described in division (A)(2) of section 21431
3301.0715 of the Revised Code, if the parent of that student 21432
requests the district not to report those results. 21433

(o) Beginning on ~~the first day of July that next succeeds the~~ 21434
~~effective date of this amendment~~ 1, 2018, for each disciplinary 21435
action which is required to be reported under division (B)(4) of 21436
this section, districts and schools also shall include an 21437
identification of the person or persons, if any, at whom the 21438
student's violent behavior that resulted in discipline was 21439
directed. The person or persons shall be identified by the 21440
respective classification at the district or school, such as 21441
student, teacher, or nonteaching employee, but shall not be 21442
identified by name. 21443

Division (B)(1)(o) of this section does not apply after the 21444
date that is two years following the submission of the report 21445
required by Section 733.13 of H.B. 49 of the 132nd general 21446
assembly. 21447

(2) Personnel and classroom enrollment data for each school 21448
district, including: 21449

(a) The total numbers of licensed employees and nonlicensed 21450
employees and the numbers of full-time equivalent licensed 21451

employees and nonlicensed employees providing each category of 21452
instructional service, instructional support service, and 21453
administrative support service used pursuant to division (C)(3) of 21454
this section. The guidelines adopted under this section shall 21455
require these categories of data to be maintained for the school 21456
district as a whole and, wherever applicable, for each grade in 21457
the school district as a whole, for each school building as a 21458
whole, and for each grade in each school building. 21459

(b) The total number of employees and the number of full-time 21460
equivalent employees providing each category of service used 21461
pursuant to divisions (C)(4)(a) and (b) of this section, and the 21462
total numbers of licensed employees and nonlicensed employees and 21463
the numbers of full-time equivalent licensed employees and 21464
nonlicensed employees providing each category used pursuant to 21465
division (C)(4)(c) of this section. The guidelines adopted under 21466
this section shall require these categories of data to be 21467
maintained for the school district as a whole and, wherever 21468
applicable, for each grade in the school district as a whole, for 21469
each school building as a whole, and for each grade in each school 21470
building. 21471

(c) The total number of regular classroom teachers teaching 21472
classes of regular education and the average number of pupils 21473
enrolled in each such class, in each of grades kindergarten 21474
through five in the district as a whole and in each school 21475
building in the school district. 21476

(d) The number of lead teachers employed by each school 21477
district and each school building. 21478

(3)(a) Student demographic data for each school district, 21479
including information regarding the gender ratio of the school 21480
district's pupils, the racial make-up of the school district's 21481
pupils, the number of ~~limited English proficient students~~ learners 21482
in the district, and an appropriate measure of the number of the 21483

school district's pupils who reside in economically disadvantaged 21484
households. The demographic data shall be collected in a manner to 21485
allow correlation with data collected under division (B)(1) of 21486
this section. Categories for data collected pursuant to division 21487
(B)(3) of this section shall conform, where appropriate, to 21488
standard practices of agencies of the federal government. 21489

(b) With respect to each student entering kindergarten, 21490
whether the student previously participated in a public preschool 21491
program, a private preschool program, or a head start program, and 21492
the number of years the student participated in each of these 21493
programs. 21494

(4) Any data required to be collected pursuant to federal 21495
law. 21496

(C) The education management information system shall include 21497
cost accounting data for each district as a whole and for each 21498
school building in each school district. The guidelines adopted 21499
under this section shall require the cost data for each school 21500
district to be maintained in a system of mutually exclusive cost 21501
units and shall require all of the costs of each school district 21502
to be divided among the cost units. The guidelines shall require 21503
the system of mutually exclusive cost units to include at least 21504
the following: 21505

(1) Administrative costs for the school district as a whole. 21506
The guidelines shall require the cost units under this division 21507
(C)(1) to be designed so that each of them may be compiled and 21508
reported in terms of average expenditure per pupil in formula ADM 21509
in the school district, as determined pursuant to section 3317.03 21510
of the Revised Code. 21511

(2) Administrative costs for each school building in the 21512
school district. The guidelines shall require the cost units under 21513
this division (C)(2) to be designed so that each of them may be 21514

compiled and reported in terms of average expenditure per 21515
full-time equivalent pupil receiving instructional or support 21516
services in each building. 21517

(3) Instructional services costs for each category of 21518
instructional service provided directly to students and required 21519
by guidelines adopted pursuant to division (B)(1)(a) of this 21520
section. The guidelines shall require the cost units under 21521
division (C)(3) of this section to be designed so that each of 21522
them may be compiled and reported in terms of average expenditure 21523
per pupil receiving the service in the school district as a whole 21524
and average expenditure per pupil receiving the service in each 21525
building in the school district and in terms of a total cost for 21526
each category of service and, as a breakdown of the total cost, a 21527
cost for each of the following components: 21528

(a) The cost of each instructional services category required 21529
by guidelines adopted under division (B)(1)(a) of this section 21530
that is provided directly to students by a classroom teacher; 21531

(b) The cost of the instructional support services, such as 21532
services provided by a speech-language pathologist, classroom 21533
aide, multimedia aide, or librarian, provided directly to students 21534
in conjunction with each instructional services category; 21535

(c) The cost of the administrative support services related 21536
to each instructional services category, such as the cost of 21537
personnel that develop the curriculum for the instructional 21538
services category and the cost of personnel supervising or 21539
coordinating the delivery of the instructional services category. 21540

(4) Support or extracurricular services costs for each 21541
category of service directly provided to students and required by 21542
guidelines adopted pursuant to division (B)(1)(b) of this section. 21543
The guidelines shall require the cost units under division (C)(4) 21544
of this section to be designed so that each of them may be 21545

compiled and reported in terms of average expenditure per pupil 21546
receiving the service in the school district as a whole and 21547
average expenditure per pupil receiving the service in each 21548
building in the school district and in terms of a total cost for 21549
each category of service and, as a breakdown of the total cost, a 21550
cost for each of the following components: 21551

(a) The cost of each support or extracurricular services 21552
category required by guidelines adopted under division (B)(1)(b) 21553
of this section that is provided directly to students by a 21554
licensed employee, such as services provided by a guidance 21555
counselor or any services provided by a licensed employee under a 21556
supplemental contract; 21557

(b) The cost of each such services category provided directly 21558
to students by a nonlicensed employee, such as janitorial 21559
services, cafeteria services, or services of a sports trainer; 21560

(c) The cost of the administrative services related to each 21561
services category in division (C)(4)(a) or (b) of this section, 21562
such as the cost of any licensed or nonlicensed employees that 21563
develop, supervise, coordinate, or otherwise are involved in 21564
administering or aiding the delivery of each services category. 21565

(D)(1) The guidelines adopted under this section shall 21566
require school districts to collect information about individual 21567
students, staff members, or both in connection with any data 21568
required by division (B) or (C) of this section or other reporting 21569
requirements established in the Revised Code. The guidelines may 21570
also require school districts to report information about 21571
individual staff members in connection with any data required by 21572
division (B) or (C) of this section or other reporting 21573
requirements established in the Revised Code. The guidelines shall 21574
not authorize school districts to request social security numbers 21575
of individual students. The guidelines shall prohibit the 21576
reporting under this section of a student's name, address, and 21577

social security number to the state board of education or the 21578
department of education. The guidelines shall also prohibit the 21579
reporting under this section of any personally identifiable 21580
information about any student, except for the purpose of assigning 21581
the data verification code required by division (D)(2) of this 21582
section, to any other person unless such person is employed by the 21583
school district or the information technology center operated 21584
under section 3301.075 of the Revised Code and is authorized by 21585
the district or technology center to have access to such 21586
information or is employed by an entity with which the department 21587
contracts for the scoring or the development of state assessments. 21588
The guidelines may require school districts to provide the social 21589
security numbers of individual staff members and the county of 21590
residence for a student. Nothing in this section prohibits the 21591
state board of education or department of education from providing 21592
a student's county of residence to the department of taxation to 21593
facilitate the distribution of tax revenue. 21594

(2)(a) The guidelines shall provide for each school district 21595
or community school to assign a data verification code that is 21596
unique on a statewide basis over time to each student whose 21597
initial Ohio enrollment is in that district or school and to 21598
report all required individual student data for that student 21599
utilizing such code. The guidelines shall also provide for 21600
assigning data verification codes to all students enrolled in 21601
districts or community schools on the effective date of the 21602
guidelines established under this section. The assignment of data 21603
verification codes for other entities, as described in division 21604
(D)(2)(d) of this section, the use of those codes, and the 21605
reporting and use of associated individual student data shall be 21606
coordinated by the department in accordance with state and federal 21607
law. 21608

School districts shall report individual student data to the 21609

department through the information technology centers utilizing 21610
the code. The entities described in division (D)(2)(d) of this 21611
section shall report individual student data to the department in 21612
the manner prescribed by the department. 21613

(b)(i) Except as provided in sections 3301.941, 3310.11, 21614
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 21615
in division (D)(2)(b)(ii) of this section, at no time shall the 21616
state board or the department have access to information that 21617
would enable any data verification code to be matched to 21618
personally identifiable student data. 21619

(ii) For the purpose of making per-pupil payments to 21620
community schools under division (C) of section 3314.08 of the 21621
Revised Code, the department shall have access to information that 21622
would enable any data verification code to be matched to 21623
personally identifiable student data. 21624

(c) Each school district and community school shall ensure 21625
that the data verification code is included in the student's 21626
records reported to any subsequent school district, community 21627
school, or state institution of higher education, as defined in 21628
section 3345.011 of the Revised Code, in which the student 21629
enrolls. Any such subsequent district or school shall utilize the 21630
same identifier in its reporting of data under this section. 21631

(d) The director of any state agency that administers a 21632
publicly funded program providing services to children who are 21633
younger than compulsory school age, as defined in section 3321.01 21634
of the Revised Code, including the directors of health, job and 21635
family services, mental health and addiction services, and 21636
developmental disabilities, shall request and receive, pursuant to 21637
sections 3301.0723 and 5123.0423 of the Revised Code, a data 21638
verification code for a child who is receiving those services. 21639

(E) The guidelines adopted under this section may require 21640

school districts to collect and report data, information, or 21641
reports other than that described in divisions (A), (B), and (C) 21642
of this section for the purpose of complying with other reporting 21643
requirements established in the Revised Code. The other data, 21644
information, or reports may be maintained in the education 21645
management information system but are not required to be compiled 21646
as part of the profile formats required under division (G) of this 21647
section or the annual statewide report required under division (H) 21648
of this section. 21649

(F) Beginning with the school year that begins July 1, 1991, 21650
the board of education of each school district shall annually 21651
collect and report to the state board, in accordance with the 21652
guidelines established by the board, the data required pursuant to 21653
this section. A school district may collect and report these data 21654
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 21655

(G) The state board shall, in accordance with the procedures 21656
it adopts, annually compile the data reported by each school 21657
district pursuant to division (D) of this section. The state board 21658
shall design formats for profiling each school district as a whole 21659
and each school building within each district and shall compile 21660
the data in accordance with these formats. These profile formats 21661
shall: 21662

(1) Include all of the data gathered under this section in a 21663
manner that facilitates comparison among school districts and 21664
among school buildings within each school district; 21665

(2) Present the data on academic achievement levels as 21666
assessed by the testing of student achievement maintained pursuant 21667
to division (B)(1)(d) of this section. 21668

(H)(1) The state board shall, in accordance with the 21669
procedures it adopts, annually prepare a statewide report for all 21670
school districts and the general public that includes the profile 21671

of each of the school districts developed pursuant to division (G) 21672
of this section. Copies of the report shall be sent to each school 21673
district. 21674

(2) The state board shall, in accordance with the procedures 21675
it adopts, annually prepare an individual report for each school 21676
district and the general public that includes the profiles of each 21677
of the school buildings in that school district developed pursuant 21678
to division (G) of this section. Copies of the report shall be 21679
sent to the superintendent of the district and to each member of 21680
the district board of education. 21681

(3) Copies of the reports received from the state board under 21682
divisions (H)(1) and (2) of this section shall be made available 21683
to the general public at each school district's offices. Each 21684
district board of education shall make copies of each report 21685
available to any person upon request and payment of a reasonable 21686
fee for the cost of reproducing the report. The board shall 21687
annually publish in a newspaper of general circulation in the 21688
school district, at least twice during the two weeks prior to the 21689
week in which the reports will first be available, a notice 21690
containing the address where the reports are available and the 21691
date on which the reports will be available. 21692

(I) Any data that is collected or maintained pursuant to this 21693
section and that identifies an individual pupil is not a public 21694
record for the purposes of section 149.43 of the Revised Code. 21695

(J) As used in this section: 21696

(1) "School district" means any city, local, exempted 21697
village, or joint vocational school district and, in accordance 21698
with section 3314.17 of the Revised Code, any community school. As 21699
used in division (L) of this section, "school district" also 21700
includes any educational service center or other educational 21701
entity required to submit data using the system established under 21702

this section. 21703

(2) "Cost" means any expenditure for operating expenses made 21704
by a school district excluding any expenditures for debt 21705
retirement except for payments made to any commercial lending 21706
institution for any loan approved pursuant to section 3313.483 of 21707
the Revised Code. 21708

(K) Any person who removes data from the information system 21709
established under this section for the purpose of releasing it to 21710
any person not entitled under law to have access to such 21711
information is subject to section 2913.42 of the Revised Code 21712
prohibiting tampering with data. 21713

(L)(1) In accordance with division (L)(2) of this section and 21714
the rules adopted under division (L)(10) of this section, the 21715
department of education may sanction any school district that 21716
reports incomplete or inaccurate data, reports data that does not 21717
conform to data requirements and descriptions published by the 21718
department, fails to report data in a timely manner, or otherwise 21719
does not make a good faith effort to report data as required by 21720
this section. 21721

(2) If the department decides to sanction a school district 21722
under this division, the department shall take the following 21723
sequential actions: 21724

(a) Notify the district in writing that the department has 21725
determined that data has not been reported as required under this 21726
section and require the district to review its data submission and 21727
submit corrected data by a deadline established by the department. 21728
The department also may require the district to develop a 21729
corrective action plan, which shall include provisions for the 21730
district to provide mandatory staff training on data reporting 21731
procedures. 21732

(b) Withhold up to ten per cent of the total amount of state 21733

funds due to the district for the current fiscal year and, if not 21734
previously required under division (L)(2)(a) of this section, 21735
require the district to develop a corrective action plan in 21736
accordance with that division; 21737

(c) Withhold an additional amount of up to twenty per cent of 21738
the total amount of state funds due to the district for the 21739
current fiscal year; 21740

(d) Direct department staff or an outside entity to 21741
investigate the district's data reporting practices and make 21742
recommendations for subsequent actions. The recommendations may 21743
include one or more of the following actions: 21744

(i) Arrange for an audit of the district's data reporting 21745
practices by department staff or an outside entity; 21746

(ii) Conduct a site visit and evaluation of the district; 21747

(iii) Withhold an additional amount of up to thirty per cent 21748
of the total amount of state funds due to the district for the 21749
current fiscal year; 21750

(iv) Continue monitoring the district's data reporting; 21751

(v) Assign department staff to supervise the district's data 21752
management system; 21753

(vi) Conduct an investigation to determine whether to suspend 21754
or revoke the license of any district employee in accordance with 21755
division (N) of this section; 21756

(vii) If the district is issued a report card under section 21757
3302.03 of the Revised Code, indicate on the report card that the 21758
district has been sanctioned for failing to report data as 21759
required by this section; 21760

(viii) If the district is issued a report card under section 21761
3302.03 of the Revised Code and incomplete or inaccurate data 21762
submitted by the district likely caused the district to receive a 21763

higher performance rating than it deserved under that section, 21764
issue a revised report card for the district; 21765

(ix) Any other action designed to correct the district's data 21766
reporting problems. 21767

(3) Any time the department takes an action against a school 21768
district under division (L)(2) of this section, the department 21769
shall make a report of the circumstances that prompted the action. 21770
The department shall send a copy of the report to the district 21771
superintendent or chief administrator and maintain a copy of the 21772
report in its files. 21773

(4) If any action taken under division (L)(2) of this section 21774
resolves a school district's data reporting problems to the 21775
department's satisfaction, the department shall not take any 21776
further actions described by that division. If the department 21777
withheld funds from the district under that division, the 21778
department may release those funds to the district, except that if 21779
the department withheld funding under division (L)(2)(c) of this 21780
section, the department shall not release the funds withheld under 21781
division (L)(2)(b) of this section and, if the department withheld 21782
funding under division (L)(2)(d) of this section, the department 21783
shall not release the funds withheld under division (L)(2)(b) or 21784
(c) of this section. 21785

(5) Notwithstanding anything in this section to the contrary, 21786
the department may use its own staff or an outside entity to 21787
conduct an audit of a school district's data reporting practices 21788
any time the department has reason to believe the district has not 21789
made a good faith effort to report data as required by this 21790
section. If any audit conducted by an outside entity under 21791
division (L)(2)(d)(i) or (5) of this section confirms that a 21792
district has not made a good faith effort to report data as 21793
required by this section, the district shall reimburse the 21794
department for the full cost of the audit. The department may 21795

withhold state funds due to the district for this purpose. 21796

(6) Prior to issuing a revised report card for a school 21797
district under division (L)(2)(d)(viii) of this section, the 21798
department may hold a hearing to provide the district with an 21799
opportunity to demonstrate that it made a good faith effort to 21800
report data as required by this section. The hearing shall be 21801
conducted by a referee appointed by the department. Based on the 21802
information provided in the hearing, the referee shall recommend 21803
whether the department should issue a revised report card for the 21804
district. If the referee affirms the department's contention that 21805
the district did not make a good faith effort to report data as 21806
required by this section, the district shall bear the full cost of 21807
conducting the hearing and of issuing any revised report card. 21808

(7) If the department determines that any inaccurate data 21809
reported under this section caused a school district to receive 21810
excess state funds in any fiscal year, the district shall 21811
reimburse the department an amount equal to the excess funds, in 21812
accordance with a payment schedule determined by the department. 21813
The department may withhold state funds due to the district for 21814
this purpose. 21815

(8) Any school district that has funds withheld under 21816
division (L)(2) of this section may appeal the withholding in 21817
accordance with Chapter 119. of the Revised Code. 21818

(9) In all cases of a disagreement between the department and 21819
a school district regarding the appropriateness of an action taken 21820
under division (L)(2) of this section, the burden of proof shall 21821
be on the district to demonstrate that it made a good faith effort 21822
to report data as required by this section. 21823

(10) The state board of education shall adopt rules under 21824
Chapter 119. of the Revised Code to implement division (L) of this 21825
section. 21826

(M) No information technology center or school district shall 21827
acquire, change, or update its student administration software 21828
package to manage and report data required to be reported to the 21829
department unless it converts to a student software package that 21830
is certified by the department. 21831

(N) The state board of education, in accordance with sections 21832
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 21833
license as defined under division (A) of section 3319.31 of the 21834
Revised Code that has been issued to any school district employee 21835
found to have willfully reported erroneous, inaccurate, or 21836
incomplete data to the education management information system. 21837

(O) No person shall release or maintain any information about 21838
any student in violation of this section. Whoever violates this 21839
division is guilty of a misdemeanor of the fourth degree. 21840

(P) The department shall disaggregate the data collected 21841
under division (B)(1)(n) of this section according to the race and 21842
socioeconomic status of the students assessed. 21843

(Q) If the department cannot compile any of the information 21844
required by division (H) of section 3302.03 of the Revised Code 21845
based upon the data collected under this section, the department 21846
shall develop a plan and a reasonable timeline for the collection 21847
of any data necessary to comply with that division. 21848

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 21849
Revised Code: 21850

(A) "Preschool program" means either of the following: 21851

(1) A child care program for preschool children that is 21852
operated by a school district board of education or an eligible 21853
nonpublic school. 21854

(2) A child care program for preschool children age three or 21855
older that is operated by a county board of developmental 21856

disabilities or a community school. 21857

(B) "Preschool child" or "child" means a child who has not 21858
entered kindergarten and is not of compulsory school age. 21859

(C) "Parent, guardian, or custodian" means the person or 21860
government agency that is or will be responsible for a child's 21861
school attendance under section 3321.01 of the Revised Code. 21862

(D) "Superintendent" means the superintendent of a school 21863
district or the chief administrative officer of a community school 21864
or an eligible nonpublic school. 21865

(E) "Director" means the director, head teacher, elementary 21866
principal, or site administrator who is the individual on site and 21867
responsible for supervision of a preschool program. 21868

(F) "Preschool staff member" means a preschool employee whose 21869
primary responsibility is care, teaching, or supervision of 21870
preschool children. 21871

(G) "Nonteaching employee" means a preschool program or 21872
school child program employee whose primary responsibilities are 21873
duties other than care, teaching, and supervision of preschool 21874
children or school children. 21875

(H) "Eligible nonpublic school" means a nonpublic school 21876
chartered as described in division (B)~~(8)~~(7) of section 5104.02 of 21877
the Revised Code or chartered by the state board of education for 21878
any combination of grades one through twelve, regardless of 21879
whether it also offers kindergarten. 21880

(I) "School child program" means a child care program for 21881
only school children that is operated by a school district board 21882
of education, county board of developmental disabilities, 21883
community school, or eligible nonpublic school. 21884

(J) "School child" means a child who is enrolled in or is 21885
eligible to be enrolled in a grade of kindergarten or above but is 21886

less than fifteen years old.	21887
(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.	21888 21889 21890
(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.	21891 21892 21893 21894 21895 21896
(M) "Child day-care center," <u>and</u> "publicly funded child care," <u>and</u> "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code.	21897 21898 21899
(N) "Community school" means either of the following:	21900
(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.	21901 21902 21903
(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:	21904 21905 21906
(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and <u>or</u> for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;	21907 21908 21909 21910 21911
(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.	21912 21913 21914 21915
Sec. 3301.53. (A) The state board of education, in	21916

consultation with the director of job and family services, shall 21917
formulate and prescribe by rule adopted under Chapter 119. of the 21918
Revised Code minimum standards to be applied to preschool programs 21919
operated by school district boards of education, county boards of 21920
developmental disabilities, community schools, or eligible 21921
nonpublic schools. The rules shall include the following: 21922

(1) Standards ensuring that the preschool program is located 21923
in a safe and convenient facility that accommodates the enrollment 21924
of the program, is of the quality to support the growth and 21925
development of the children according to the program objectives, 21926
and meets the requirements of section 3301.55 of the Revised Code; 21927

(2) Standards ensuring that supervision, discipline, and 21928
programs will be administered according to established objectives 21929
and procedures; 21930

(3) Standards ensuring that preschool staff members and 21931
nonteaching employees are recruited, employed, assigned, 21932
evaluated, and provided inservice education without discrimination 21933
on the basis of age, color, national origin, race, or sex; and 21934
that preschool staff members and nonteaching employees are 21935
assigned responsibilities in accordance with written position 21936
descriptions commensurate with their training and experience; 21937

(4) A requirement that boards of education intending to 21938
establish a preschool program demonstrate a need for a preschool 21939
program prior to establishing the program; 21940

(5) Requirements that children participating in preschool 21941
programs have been immunized to the extent considered appropriate 21942
by the state board to prevent the spread of communicable disease; 21943

(6) Requirements that the parents of preschool children 21944
complete the emergency medical authorization form specified in 21945
section 3313.712 of the Revised Code. 21946

(B) The state board of education in consultation with the 21947
director of job and family services shall ensure that the rules 21948
adopted by the state board under sections 3301.52 to 3301.58 of 21949
the Revised Code are consistent with and meet or exceed the 21950
requirements of Chapter 5104. of the Revised Code with regard to 21951
child day-care centers that serve preschool children. The state 21952
board and the director of job and family services shall review all 21953
such rules at least once every five years. 21954

(C) The state board of education, in consultation with the 21955
director of job and family services, shall adopt rules for school 21956
child programs that are consistent with and meet or exceed the 21957
requirements of the rules adopted for ~~school-age child care~~ child 21958
day-care centers that serve school-age children under Chapter 21959
5104. of the Revised Code. 21960

Sec. 3302.01. As used in this chapter: 21961

(A) "Performance index score" means the average of the totals 21962
derived from calculations, for each subject area, of the weighted 21963
proportion of untested students and students scoring at each level 21964
of skill described in division (A)(2) of section 3301.0710 of the 21965
Revised Code on the state achievement assessments, as follows: 21966

(1) For the assessments prescribed by division (A)(1) of 21967
section 3301.0710 of the Revised Code, the average for each of the 21968
subject areas of English language arts, mathematics, and science. 21969

(2) For the assessments prescribed by division (B)(1) of 21970
section 3301.0710 and division (B)(2) of section 3301.0712 of the 21971
Revised Code, the average for each of the subject areas of English 21972
language arts and mathematics. 21973

The department of education shall assign weights such that 21974
students who do not take an assessment receive a weight of zero 21975
and students who take an assessment receive progressively larger 21976

weights dependent upon the level of skill attained on the 21977
assessment. The department shall assign additional weights to 21978
students who have been permitted to pass over a subject in 21979
accordance with a student acceleration policy adopted under 21980
section 3324.10 of the Revised Code. If such a student attains the 21981
proficient score prescribed under division (A)(2)(c) of section 21982
3301.0710 of the Revised Code or higher on an assessment, the 21983
department shall assign the student the weight prescribed for the 21984
next higher scoring level. If such a student attains the advanced 21985
score, prescribed under division (A)(2)(a) of section 3301.0710 of 21986
the Revised Code, on an assessment, the department shall assign to 21987
the student an additional proportional weight, as approved by the 21988
state board. For each school year that such a student's score is 21989
included in the performance index score and the student attains 21990
the proficient score on an assessment, that additional weight 21991
shall be assigned to the student on a subject-by-subject basis. 21992

Students shall be included in the "performance index score" 21993
in accordance with division ~~(K)~~(J)(2) of section 3302.03 of the 21994
Revised Code. 21995

(B) "Subgroup" means a subset of the entire student 21996
population of the state, a school district, or a school building 21997
and includes each of the following: 21998

(1) Major racial and ethnic groups; 21999

(2) Students with disabilities; 22000

(3) Economically disadvantaged students; 22001

(4) ~~Limited English proficient students~~ learners; 22002

(5) Students identified as gifted in superior cognitive 22003
ability and specific academic ability fields under Chapter 3324. 22004
of the Revised Code. For students who are gifted in specific 22005
academic ability fields, the department shall use data for those 22006
students with specific academic ability in math and reading. If 22007

any other academic field is assessed, the department shall also 22008
include data for students with specific academic ability in that 22009
field. 22010

(6) Students in the lowest quintile for achievement 22011
statewide, as determined by a method prescribed by the state board 22012
of education. 22013

(C) "No Child Left Behind Act of 2001" includes the statutes 22014
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 22015
both thereto, rules and regulations promulgated pursuant to those 22016
statutes, guidance documents, and any other policy directives 22017
regarding implementation of that act issued by the United States 22018
department of education. 22019

(D) "Adequate yearly progress" means a measure of annual 22020
academic performance as calculated in accordance with the "No 22021
Child Left Behind Act of 2001." 22022

(E) "Supplemental educational services" means additional 22023
academic assistance, such as tutoring, remediation, or other 22024
educational enrichment activities, that is conducted outside of 22025
the regular school day by a provider approved by the department in 22026
accordance with the "No Child Left Behind Act of 2001." 22027

(F) "Value-added progress dimension" means a measure of 22028
academic gain for a student or group of students over a specific 22029
period of time that is calculated by applying a statistical 22030
methodology to individual student achievement data derived from 22031
the achievement assessments prescribed by section 3301.0710 of the 22032
Revised Code. The "value-added progress dimension" shall be 22033
developed and implemented in accordance with section 3302.021 of 22034
the Revised Code. 22035

(G)(1) "Four-year adjusted cohort graduation rate" means the 22036
number of students who graduate in four years or less with a 22037
regular high school diploma divided by the number of students who 22038

form the adjusted cohort for the graduating class. 22039

(2) "Five-year adjusted cohort graduation rate" means the 22040
number of students who graduate in five years with a regular high 22041
school diploma divided by the number of students who form the 22042
adjusted cohort for the four-year graduation rate. 22043

(H) "State institution of higher education" has the same 22044
meaning as in section 3345.011 of the Revised Code. 22045

(I) "Annual measurable objectives" means a measure of student 22046
progress determined in accordance with an agreement between the 22047
department of education and the United States department of 22048
education. 22049

(J) "Community school" means a community school established 22050
under Chapter 3314. of the Revised Code. 22051

(K) "STEM school" means a science, technology, engineering, 22052
and mathematics school established under Chapter 3326. of the 22053
Revised Code. 22054

(L) "Entitled to attend school in the district" means 22055
entitled to attend school in a school district under section 22056
3313.64 or 3313.65 of the Revised Code. 22057

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 22058
later than July 1, 2007, the department of education shall 22059
implement a value-added progress dimension for school districts 22060
and buildings and shall incorporate the value-added progress 22061
dimension into the report cards and performance ratings issued for 22062
districts and buildings under section 3302.03 of the Revised Code. 22063

The state board of education shall adopt rules, pursuant to 22064
Chapter 119. of the Revised Code, for the implementation of the 22065
value-added progress dimension. The rules adopted under this 22066
division shall specify ~~both~~ all of the following: 22067

(1) A scale for describing the levels of academic progress in 22068

reading and mathematics relative to a standard year of academic 22069
growth in those subjects for each of grades three through eight; 22070

(2) That the department shall maintain the confidentiality of 22071
individual student test scores and individual student reports in 22072
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 22073
Revised Code and federal law. The department may require school 22074
districts to use a unique identifier for each student for this 22075
purpose. Individual student test scores and individual student 22076
reports shall be made available only to a student's classroom 22077
teacher and other appropriate educational personnel and to the 22078
student's parent or guardian. 22079

(3) That the department may use not more than one academic 22080
year of value-added growth data to calculate the measure. 22081

(B) The department shall use a system designed for collecting 22082
necessary data, calculating the value-added progress dimension, 22083
analyzing data, and generating reports, which system has been used 22084
previously by a nonprofit organization led by the Ohio business 22085
community for at least one year in the operation of a pilot 22086
program in cooperation with school districts to collect and report 22087
student achievement data via electronic means and to provide 22088
information to the districts regarding the academic performance of 22089
individual students, grade levels, school buildings, and the 22090
districts as a whole. 22091

(C) The department shall not pay more than two dollars per 22092
student for data analysis and reporting to implement the 22093
value-added progress dimension in the same manner and with the 22094
same services as under the pilot program described by division (B) 22095
of this section. However, nothing in this section shall preclude 22096
the department or any school district from entering into a 22097
contract for the provision of more services at a higher fee per 22098
student. Any data analysis conducted under this section by an 22099
entity under contract with the department shall be completed in 22100

accordance with timelines established by the superintendent of public instruction. 22101
22102

(D) The department shall share any aggregate student data and any calculation, analysis, or report utilizing aggregate student data that is generated under this section with the chancellor of ~~the Ohio board of regents~~ higher education. The department shall not share individual student test scores and individual student reports with the chancellor. 22103
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Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade. 22109
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(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (E) of this section for each 22130
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of the following performance measures: 22132

(a) Annual measurable objectives; 22133

(b) Performance index score for a school district or 22134
building. Grades shall be awarded as a percentage of the total 22135
possible points on the performance index system as adopted by the 22136
state board. In adopting benchmarks for assigning letter grades 22137
under division (A)(1)(b) of this section, the state board of 22138
education shall designate ninety per cent or higher for an "A," at 22139
least seventy per cent but not more than eighty per cent for a 22140
"C," and less than fifty per cent for an "F." 22141

(c) The extent to which the school district or building meets 22142
each of the applicable performance indicators established by the 22143
state board under section 3302.02 of the Revised Code and the 22144
percentage of applicable performance indicators that have been 22145
achieved. In adopting benchmarks for assigning letter grades under 22146
division (A)(1)(c) of this section, the state board shall 22147
designate ninety per cent or higher for an "A." 22148

(d) The four- and five-year adjusted cohort graduation rates. 22149

In adopting benchmarks for assigning letter grades under 22150
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 22151
department shall designate a four-year adjusted cohort graduation 22152
rate of ninety-three per cent or higher for an "A" and a five-year 22153
cohort graduation rate of ninety-five per cent or higher for an 22154
"A." 22155

(e) The overall score under the value-added progress 22156
dimension of a school district or building, for which the 22157
department shall use up to three years of value-added data as 22158
available. The letter grade assigned for this growth measure shall 22159
be as follows: 22160

(i) A score that is at least two standard errors of measure 22161
above the mean score shall be designated as an "A." 22162

(ii) A score that is at least one standard error of measure 22163
but less than two standard errors of measure above the mean score 22164
shall be designated as a "B." 22165

(iii) A score that is less than one standard error of measure 22166
above the mean score but greater than or equal to one standard 22167
error of measure below the mean score shall be designated as a 22168
"C." 22169

(iv) A score that is not greater than one standard error of 22170
measure below the mean score but is greater than or equal to two 22171
standard errors of measure below the mean score shall be 22172
designated as a "D." 22173

(v) A score that is not greater than two standard errors of 22174
measure below the mean score shall be designated as an "F." 22175

Whenever the value-added progress dimension is used as a 22176
graded performance measure, whether as an overall measure or as a 22177
measure of separate subgroups, the grades for the measure shall be 22178
calculated in the same manner as prescribed in division (A)(1)(e) 22179
of this section. 22180

(f) The value-added progress dimension score for a school 22181
district or building disaggregated for each of the following 22182
subgroups: students identified as gifted, students with 22183
disabilities, and students whose performance places them in the 22184
lowest quintile for achievement on a statewide basis. Each 22185
subgroup shall be a separate graded measure. 22186

(2) Not later than April 30, 2013, the state board of 22187
education shall adopt a resolution describing the performance 22188
measures, benchmarks, and grading system for the 2012-2013 school 22189
year and, not later than June 30, 2013, shall adopt rules in 22190
accordance with Chapter 119. of the Revised Code that prescribe 22191
the methods by which the performance measures under division 22192
(A)(1) of this section shall be assessed and assigned a letter 22193

grade, including performance benchmarks for each letter grade. 22194

At least forty-five days prior to the state board's adoption 22195
of rules to prescribe the methods by which the performance 22196
measures under division (A)(1) of this section shall be assessed 22197
and assigned a letter grade, the department shall conduct a public 22198
presentation before the standing committees of the house of 22199
representatives and the senate that consider education legislation 22200
describing such methods, including performance benchmarks. 22201

(3) There shall not be an overall letter grade for a school 22202
district or building for the 2012-2013 school year. 22203

(B)(1) For the 2013-2014 and 2014-2015 school years, the 22204
department shall issue grades as described in division (E) of this 22205
section for each of the following performance measures: 22206

(a) Annual measurable objectives; 22207

(b) Performance index score for a school district or 22208
building. Grades shall be awarded as a percentage of the total 22209
possible points on the performance index system as created by the 22210
department. In adopting benchmarks for assigning letter grades 22211
under division (B)(1)(b) of this section, the state board shall 22212
designate ninety per cent or higher for an "A," at least seventy 22213
per cent but not more than eighty per cent for a "C," and less 22214
than fifty per cent for an "F." 22215

(c) The extent to which the school district or building meets 22216
each of the applicable performance indicators established by the 22217
state board under section 3302.03 of the Revised Code and the 22218
percentage of applicable performance indicators that have been 22219
achieved. In adopting benchmarks for assigning letter grades under 22220
division (B)(1)(c) of this section, the state board shall 22221
designate ninety per cent or higher for an "A." 22222

(d) The four- and five-year adjusted cohort graduation rates; 22223

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 22224
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 22228
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the 22236
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Revised Code. 22256

(h) For a high mobility school district or building, an 22257
additional value-added progress dimension score. For this measure, 22258
the department shall use value-added data from the most recent 22259
school year available and shall use assessment scores for only 22260
those students to whom the district or building has administered 22261
the assessments prescribed by section 3301.0710 of the Revised 22262
Code for each of the two most recent consecutive school years. 22263

As used in this division, "high mobility school district or 22264
building" means a school district or building where at least 22265
twenty-five per cent of its total enrollment is made up of 22266
students who have attended that school district or building for 22267
less than one year. 22268

(2) In addition to the graded measures in division (B)(1) of 22269
this section, the department shall include on a school district's 22270
or building's report card all of the following without an assigned 22271
letter grade: 22272

(a) The percentage of students enrolled in a district or 22273
building participating in advanced placement classes and the 22274
percentage of those students who received a score of three or 22275
better on advanced placement examinations; 22276

(b) The number of a district's or building's students who 22277
have earned at least three college credits through dual enrollment 22278
or advanced standing programs, such as the post-secondary 22279
enrollment options program under Chapter 3365. of the Revised Code 22280
and state-approved career-technical courses offered through dual 22281
enrollment or statewide articulation, that appear on a student's 22282
transcript or other official document, either of which is issued 22283
by the institution of higher education from which the student 22284
earned the college credit. The credits earned that are reported 22285
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 22286

include any that are remedial or developmental and shall include 22287
those that count toward the curriculum requirements established 22288
for completion of a degree. 22289

(c) The percentage of students enrolled in a district or 22290
building who have taken a national standardized test used for 22291
college admission determinations and the percentage of those 22292
students who are determined to be remediation-free in accordance 22293
with standards adopted under division (F) of section 3345.061 of 22294
the Revised Code; 22295

(d) The percentage of the district's or the building's 22296
students who receive industry-recognized credentials as approved 22297
under section 3313.6113 of the Revised Code. 22298

(e) The percentage of students enrolled in a district or 22299
building who are participating in an international baccalaureate 22300
program and the percentage of those students who receive a score 22301
of four or better on the international baccalaureate examinations. 22302

(f) The percentage of the district's or building's students 22303
who receive an honors diploma under division (B) of section 22304
3313.61 of the Revised Code. 22305

(3) Not later than December 31, 2013, the state board shall 22306
adopt rules in accordance with Chapter 119. of the Revised Code 22307
that prescribe the methods by which the performance measures under 22308
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 22309
and assigned a letter grade, including performance benchmarks for 22310
each grade. 22311

At least forty-five days prior to the state board's adoption 22312
of rules to prescribe the methods by which the performance 22313
measures under division (B)(1) of this section shall be assessed 22314
and assigned a letter grade, the department shall conduct a public 22315
presentation before the standing committees of the house of 22316
representatives and the senate that consider education legislation 22317

describing such methods, including performance benchmarks. 22318

(4) There shall not be an overall letter grade for a school 22319
district or building for the 2013-2014, 2014-2015, 2015-2016, and 22320
2016-2017 school years. 22321

(C)(1) For the 2014-2015 school year and each school year 22322
thereafter, the department shall issue grades as described in 22323
division (E) of this section for each of the performance measures 22324
prescribed in division (C)(1) of this section. The graded measures 22325
are as follows: 22326

(a) Annual measurable objectives. For the 2017-2018 school 22327
year, the department shall not include any subgroup data in the 22328
annual measurable objectives that includes data from fewer than 22329
twenty-five students. For the 2018-2019 school year, the 22330
department shall not include any subgroup data in the annual 22331
measurable objectives that includes data from fewer than twenty 22332
students. Beginning with the 2019-2020 school year, the department 22333
shall not include any subgroup data in the annual measurable 22334
objectives that includes data from fewer than fifteen students. 22335

(b) Performance index score for a school district or 22336
building. Grades shall be awarded as a percentage of the total 22337
possible points on the performance index system as created by the 22338
department. In adopting benchmarks for assigning letter grades 22339
under division (C)(1)(b) of this section, the state board shall 22340
designate ninety per cent or higher for an "A," at least seventy 22341
per cent but not more than eighty per cent for a "C," and less 22342
than fifty per cent for an "F." 22343

(c) The extent to which the school district or building meets 22344
each of the applicable performance indicators established by the 22345
state board under section 3302.03 of the Revised Code and the 22346
percentage of applicable performance indicators that have been 22347
achieved. In adopting benchmarks for assigning letter grades under 22348

division (C)(1)(c) of this section, the state board shall 22349
designate ninety per cent or higher for an "A." 22350

(d) The four- and five-year adjusted cohort graduation rates; 22351

(e) The overall score under the value-added progress 22352
dimension, or another measure of student academic progress if 22353
adopted by the state board, of a school district or building, for 22354
which the department shall use up to three years not more than one 22355
academic year of value-added growth data as available. 22356

In adopting benchmarks for assigning letter grades for 22357
overall score on value-added progress dimension under division 22358
(C)(1)(e) of this section, the state board shall prohibit the 22359
assigning of a grade of "A" for that measure unless the district's 22360
or building's grade assigned for value-added progress dimension 22361
for all subgroups under division (C)(1)(f) of this section is a 22362
"B" or higher. 22363

For the metric prescribed by division (C)(1)(e) of this 22364
section, the state board may adopt a student academic progress 22365
measure to be used instead of the value-added progress dimension. 22366
If the state board adopts such a measure, it also shall prescribe 22367
a method for assigning letter grades for the new measure that is 22368
comparable to the method prescribed in division (A)(1)(e) of this 22369
section. 22370

(f) The value-added progress dimension score of a school 22371
district or building disaggregated for each of the following 22372
subgroups: students identified as gifted in superior cognitive 22373
ability and specific academic ability fields under Chapter 3324. 22374
of the Revised Code, students with disabilities, and students 22375
whose performance places them in the lowest quintile for 22376
achievement on a statewide basis, as determined by a method 22377
prescribed by the state board. Each subgroup shall be a separate 22378
graded measure. 22379

The state board may adopt student academic progress measures 22380
to be used instead of the value-added progress dimension. If the 22381
state board adopts such measures, it also shall prescribe a method 22382
for assigning letter grades for the new measures that is 22383
comparable to the method prescribed in division (A)(1)(e) of this 22384
section. 22385

(g) Whether a school district or building is making progress 22386
in improving literacy in grades kindergarten through three, as 22387
determined using a method prescribed by the state board. The state 22388
board shall adopt rules to prescribe benchmarks and standards for 22389
assigning grades to a district or building for purposes of 22390
division (C)(1)(g) of this section. The state board shall 22391
designate for a "C" grade a value that is not lower than the 22392
statewide average value for this measure. No grade shall be issued 22393
under division (C)(1)(g) of this section for a district or 22394
building in which less than five per cent of students have scored 22395
below grade level on the kindergarten diagnostic assessment under 22396
division (B)(1) of section 3313.608 of the Revised Code. 22397

(h) For a high mobility school district or building, an 22398
additional value-added progress dimension score. For this measure, 22399
the department shall use value-added data from the most recent 22400
school year available and shall use assessment scores for only 22401
those students to whom the district or building has administered 22402
the assessments prescribed by section 3301.0710 of the Revised 22403
Code for each of the two most recent consecutive school years. 22404

As used in this division, "high mobility school district or 22405
building" means a school district or building where at least 22406
twenty-five per cent of its total enrollment is made up of 22407
students who have attended that school district or building for 22408
less than one year. 22409

(2) In addition to the graded measures in division (C)(1) of 22410
this section, the department shall include on a school district's 22411

or building's report card all of the following without an assigned 22412
letter grade: 22413

(a) The percentage of students enrolled in a district or 22414
building who have taken a national standardized test used for 22415
college admission determinations and the percentage of those 22416
students who are determined to be remediation-free in accordance 22417
with the standards adopted under division (F) of section 3345.061 22418
of the Revised Code; 22419

(b) The percentage of students enrolled in a district or 22420
building participating in advanced placement classes and the 22421
percentage of those students who received a score of three or 22422
better on advanced placement examinations; 22423

(c) The percentage of a district's or building's students who 22424
have earned at least three college credits through advanced 22425
standing programs, such as the college credit plus program under 22426
Chapter 3365. of the Revised Code and state-approved 22427
career-technical courses offered through dual enrollment or 22428
statewide articulation, that appear on a student's college 22429
transcript issued by the institution of higher education from 22430
which the student earned the college credit. The credits earned 22431
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 22432
section shall not include any that are remedial or developmental 22433
and shall include those that count toward the curriculum 22434
requirements established for completion of a degree. 22435

(d) The percentage of the district's or building's students 22436
who receive an honor's diploma under division (B) of section 22437
3313.61 of the Revised Code; 22438

(e) The percentage of the district's or building's students 22439
who receive industry-recognized credentials as approved under 22440
section 3313.6113 of the Revised Code; 22441

(f) The percentage of students enrolled in a district or 22442

building who are participating in an international baccalaureate 22443
program and the percentage of those students who receive a score 22444
of four or better on the international baccalaureate examinations; 22445

(g) The results of the college and career-ready assessments 22446
administered under division (B)(1) of section 3301.0712 of the 22447
Revised Code; 22448

(h) Whether the school district or building has implemented a 22449
positive behavior intervention and supports framework in 22450
compliance with the requirements of section 3319.46 of the Revised 22451
Code, notated as a "yes" or "no" answer. 22452

(3) The state board shall adopt rules pursuant to Chapter 22453
119. of the Revised Code that establish a method to assign an 22454
overall grade for a school district or school building for the 22455
2017-2018 school year and each school year thereafter. The rules 22456
shall group the performance measures in divisions (C)(1) and (2) 22457
of this section into the following components: 22458

(a) Gap closing, which shall include the performance measure 22459
in division (C)(1)(a) of this section; 22460

(b) Achievement, which shall include the performance measures 22461
in divisions (C)(1)(b) and (c) of this section; 22462

(c) Progress, which shall include the performance measures in 22463
divisions (C)(1)(e) and (f) of this section; 22464

(d) Graduation, which shall include the performance measure 22465
in division (C)(1)(d) of this section; 22466

(e) Kindergarten through third-grade literacy, which shall 22467
include the performance measure in division (C)(1)(g) of this 22468
section; 22469

(f) Prepared for success, which shall include the performance 22470
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 22471
this section. The state board shall develop a method to determine 22472

a grade for the component in division (C)(3)(f) of this section 22473
using the performance measures in divisions (C)(2)(a), (b), (c), 22474
(d), (e), and (f) of this section. When available, the state board 22475
may incorporate the performance measure under division (C)(2)(g) 22476
of this section into the component under division (C)(3)(f) of 22477
this section. When determining the overall grade for the prepared 22478
for success component prescribed by division (C)(3)(f) of this 22479
section, no individual student shall be counted in more than one 22480
performance measure. However, if a student qualifies for more than 22481
one performance measure in the component, the state board may, in 22482
its method to determine a grade for the component, specify an 22483
additional weight for such a student that is not greater than or 22484
equal to 1.0. In determining the overall score under division 22485
(C)(3)(f) of this section, the state board shall ensure that the 22486
pool of students included in the performance measures aggregated 22487
under that division are all of the students included in the four- 22488
and five-year adjusted graduation cohort. 22489

In the rules adopted under division (C)(3) of this section, 22490
the state board shall adopt a method for determining a grade for 22491
each component in divisions (C)(3)(a) to (f) of this section. The 22492
state board also shall establish a method to assign an overall 22493
grade of "A," "B," "C," "D," or "F" using the grades assigned for 22494
each component. The method the state board adopts for assigning an 22495
overall grade shall ~~give equal weight to the components in~~ 22496
~~divisions (C)(3)(b) and (c) of this section~~ use either the 22497
performance index score measure under division (C)(1)(b) or the 22498
value-added progress dimension measure under division (C)(1)(e) of 22499
this section, whichever is higher, but not both measures. The 22500
rules adopted by the state board shall prohibit the calculation of 22501
the overall grade to include both the performance index score and 22502
value-added progress dimension measures and shall ensure that a 22503
district or building receives the highest overall grade possible 22504
using the appropriate measure. However, for the purposes of 22505

prescribing new buildings where students are eligible for the 22506
educational choice scholarship under section 3310.03 of the 22507
Revised Code or defining "challenged school districts" in which 22508
new start-up community schools may be located, as prescribed in 22509
section 3314.02 of the Revised Code, the department shall use both 22510
measures to determine the overall letter grade for a district or a 22511
building. 22512

At least forty-five days prior to the state board's adoption 22513
of rules to prescribe the methods for calculating the overall 22514
grade for the report card, as required by this division, the 22515
department shall conduct a public presentation before the standing 22516
committees of the house of representatives and the senate that 22517
consider education legislation describing the format for the 22518
report card, weights that will be assigned to the components of 22519
the overall grade, and the method for calculating the overall 22520
grade. 22521

(D) On or after July 1, 2015, the state board may develop a 22522
measure of student academic progress for high school students 22523
using only data from assessments in English language arts and 22524
mathematics. If the state board develops this measure, each school 22525
district and applicable school building shall be assigned a 22526
separate letter grade for it not sooner than the 2017-2018 school 22527
year. The district's or building's grade for that measure shall 22528
not be included in determining the district's or building's 22529
overall letter grade. 22530

(E) The letter grades assigned to a school district or 22531
building under this section shall be as follows: 22532

(1) "A" for a district or school making excellent progress; 22533

(2) "B" for a district or school making above average 22534
progress; 22535

(3) "C" for a district or school making average progress; 22536

(4) "D" for a district or school making below average progress;	22537 22538
(5) "F" for a district or school failing to meet minimum progress.	22539 22540
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	22541 22542 22543
(1) Performance of students by grade-level;	22544
(2) Performance of students by race and ethnic group;	22545
(3) Performance of students by gender;	22546
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	22547 22548
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	22549 22550 22551
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	22552 22553
(7) Performance of students grouped by those who are economically disadvantaged;	22554 22555
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	22556 22557 22558
(9) Performance of students grouped by those who are classified as limited English proficient <u>learners</u> ;	22559 22560
(10) Performance of students grouped by those who have disabilities;	22561 22562
(11) Performance of students grouped by those who are classified as migrants;	22563 22564
(12) Performance of students grouped by those who are	22565

identified as gifted in superior cognitive ability and the 22566
specific academic ability fields of reading and math pursuant to 22567
Chapter 3324. of the Revised Code. In disaggregating specific 22568
academic ability fields for gifted students, the department shall 22569
use data for those students with specific academic ability in math 22570
and reading. If any other academic field is assessed, the 22571
department shall also include data for students with specific 22572
academic ability in that field as well. 22573

(13) Performance of students grouped by those who perform in 22574
the lowest quintile for achievement on a statewide basis, as 22575
determined by a method prescribed by the state board. 22576

The department may disaggregate data on student performance 22577
according to other categories that the department determines are 22578
appropriate. To the extent possible, the department shall 22579
disaggregate data on student performance according to any 22580
combinations of two or more of the categories listed in divisions 22581
(F)(1) to (13) of this section that it deems relevant. 22582

In reporting data pursuant to division (F) of this section, 22583
the department shall not include in the report cards any data 22584
statistical in nature that is statistically unreliable or that 22585
could result in the identification of individual students. For 22586
this purpose, the department shall not report student performance 22587
data for any group identified in division (F) of this section that 22588
contains less than ten students. If the department does not report 22589
student performance data for a group because it contains less than 22590
ten students, the department shall indicate on the report card 22591
that is why data was not reported. 22592

(G) The department may include with the report cards any 22593
additional education and fiscal performance data it deems 22594
valuable. 22595

(H) The department shall include on each report card a list 22596

of additional information collected by the department that is 22597
available regarding the district or building for which the report 22598
card is issued. When available, such additional information shall 22599
include student mobility data disaggregated by race and 22600
socioeconomic status, college enrollment data, and the reports 22601
prepared under section 3302.031 of the Revised Code. 22602

The department shall maintain a site on the world wide web. 22603
The report card shall include the address of the site and shall 22604
specify that such additional information is available to the 22605
public at that site. The department shall also provide a copy of 22606
each item on the list to the superintendent of each school 22607
district. The district superintendent shall provide a copy of any 22608
item on the list to anyone who requests it. 22609

(I)(1)(a) Except as provided in division (I)(1)(b) of this 22610
section, for any district that sponsors a conversion community 22611
school under Chapter 3314. of the Revised Code, the department 22612
shall combine data regarding the academic performance of students 22613
enrolled in the community school with comparable data from the 22614
schools of the district for the purpose of determining the 22615
performance of the district as a whole on the report card issued 22616
for the district under this section or section 3302.033 of the 22617
Revised Code. 22618

(b) The department shall not combine data from any conversion 22619
community school that a district sponsors if a majority of the 22620
students enrolled in the conversion community school are enrolled 22621
in a dropout prevention and recovery program that is operated by 22622
the school, as described in division (A)~~(4)~~(2)(a) of section 22623
3314.35 of the Revised Code. The department shall include as an 22624
addendum to the district's report card the ratings and performance 22625
measures that are required under section 3314.017 of the Revised 22626
Code for any community school to which division (I)(1)(b) of this 22627
section applies. This addendum shall include, at a minimum, the 22628

data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of 22629
section 3314.017 of the Revised Code. 22630

(2) Any district that leases a building to a community school 22631
located in the district or that enters into an agreement with a 22632
community school located in the district whereby the district and 22633
the school endorse each other's programs may elect to have data 22634
regarding the academic performance of students enrolled in the 22635
community school combined with comparable data from the schools of 22636
the district for the purpose of determining the performance of the 22637
district as a whole on the district report card. Any district that 22638
so elects shall annually file a copy of the lease or agreement 22639
with the department. 22640

(3) Any municipal school district, as defined in section 22641
3311.71 of the Revised Code, that sponsors a community school 22642
located within the district's territory, or that enters into an 22643
agreement with a community school located within the district's 22644
territory whereby the district and the community school endorse 22645
each other's programs, may exercise either or both of the 22646
following elections: 22647

(a) To have data regarding the academic performance of 22648
students enrolled in that community school combined with 22649
comparable data from the schools of the district for the purpose 22650
of determining the performance of the district as a whole on the 22651
district's report card; 22652

(b) To have the number of students attending that community 22653
school noted separately on the district's report card. 22654

The election authorized under division (I)(3)(a) of this 22655
section is subject to approval by the governing authority of the 22656
community school. 22657

Any municipal school district that exercises an election to 22658
combine or include data under division (I)(3) of this section, by 22659

the first day of October of each year, shall file with the 22660
department documentation indicating eligibility for that election, 22661
as required by the department. 22662

~~(J) The department shall include on each report card the 22663
percentage of teachers in the district or building who are 22664
properly certified or licensed teachers, as defined in section 22665
3319.074 of the Revised Code, and a comparison of that percentage 22666
with the percentages of such teachers in similar districts and 22667
buildings. 22668~~

~~(K)~~(1) In calculating English language arts, mathematics, or 22669
science assessment passage rates used to determine school district 22670
or building performance under this section, the department shall 22671
include all students taking an assessment with accommodation or to 22672
whom an alternate assessment is administered pursuant to division 22673
(C)(1) or (3) of section 3301.0711 of the Revised Code. 22674

(2) In calculating performance index scores, rates of 22675
achievement on the performance indicators established by the state 22676
board under section 3302.02 of the Revised Code, and annual 22677
measurable objectives for determining adequate yearly progress for 22678
school districts and buildings under this section, the department 22679
shall do all of the following: 22680

(a) Include for each district or building only those students 22681
who are included in the ADM certified for the first full school 22682
week of October and are continuously enrolled in the district or 22683
building through the time of the spring administration of any 22684
assessment prescribed by division (A)(1) or (B)(1) of section 22685
3301.0710 or division (B) of section 3301.0712 of the Revised Code 22686
that is administered to the student's grade level; 22687

(b) Include cumulative totals from both the fall and spring 22688
administrations of the third grade English language arts 22689
achievement assessment; 22690

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than one full school year.

~~(L)~~(K) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

~~(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after the effective date of this amendment.~~

~~(4)~~ Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

~~(5)~~(4) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

~~(6)~~(5) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school ~~year~~ years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any

decision to grant course credit. No individual student score 22753
reports on such assessments administered in the 2014-2015, 22754
2015-2016, or 2016-2017 school years shall be released, except to 22755
a student's school district or school or to the student or the 22756
student's parent or guardian. 22757

Sec. 3302.038. (A) Notwithstanding anything in the Revised 22758
Code to the contrary, when a school district's or school's grade 22759
for the value-added progress dimension or the performance index 22760
score calculated under section 3302.03 of the Revised Code is 22761
considered in determining whether a school district or a school is 22762
subject to sanctions or penalties on or after the effective date 22763
of this section, the department of education shall apply the 22764
higher grade of the two measures, regardless of which measure is 22765
specified. At no time shall both grades be used to determine any 22766
sanctions or penalties. 22767

(B) This section does not apply to either of the following: 22768

(1) Provisions prescribing new buildings where students are 22769
eligible for the educational choice scholarships under section 22770
3310.03 of the Revised Code; 22771

(2) Provisions defining "challenged school districts" in 22772
which new start-up community schools may be located, as prescribed 22773
in section 3314.02 of the Revised Code. 22774

Sec. 3302.042. (A) This section shall operate as a pilot 22775
project that applies to any school that has been ranked according 22776
to performance index score under section 3302.21 of the Revised 22777
Code in the lowest five per cent of all public school buildings 22778
statewide for three or more consecutive school years and is 22779
operated by the Columbus city school district. This section does 22780
not apply to a school building that is ranked according to the 22781
value-added progress dimension under section 3302.03 of the 22782

Revised Code above the lowest five per cent of all public school 22783
buildings statewide for three or more consecutive years. The pilot 22784
project shall commence once the department of education 22785
establishes implementation guidelines for the pilot project in 22786
consultation with the Columbus city school district. 22787

(B) Except as provided in division (D), (E), or (F) of this 22788
section, if the parents or guardians of at least fifty per cent of 22789
the students enrolled in a school to which this section applies, 22790
or if the parents or guardians of at least fifty per cent of the 22791
total number of students enrolled in that school and the schools 22792
of lower grade levels whose students typically matriculate into 22793
that school, by the thirty-first day of December of any school 22794
year in which the school is subject to this section, sign and file 22795
with the school district treasurer a petition requesting the 22796
district board of education to implement one of the following 22797
reforms in the school, and if the validity and sufficiency of the 22798
petition is certified in accordance with division (C) of this 22799
section, the board shall implement the requested reform in the 22800
next school year: 22801

(1) Reopen the school as a community school under Chapter 22802
3314. of the Revised Code; 22803

(2) Replace at least seventy per cent of the school's 22804
personnel who are related to the school's poor academic 22805
performance or, at the request of the petitioners, retain not more 22806
than thirty per cent of the personnel; 22807

(3) Contract with another school district or a nonprofit or 22808
for-profit entity with a demonstrated record of effectiveness to 22809
operate the school; 22810

(4) Turn operation of the school over to the department; 22811

(5) Any other major restructuring of the school that makes 22812

fundamental reforms in the school's staffing or governance. 22813

(C) Not later than thirty days after receipt of a petition 22814
under division (B) of this section, the district treasurer shall 22815
verify the validity and sufficiency of the signatures on the 22816
petition and certify to the district board whether the petition 22817
contains the necessary number of valid signatures to require the 22818
board to implement the reform requested by the petitioners. If the 22819
treasurer certifies to the district board that the petition does 22820
not contain the necessary number of valid signatures, any person 22821
who signed the petition may file an appeal with the county auditor 22822
within ten days after the certification. Not later than thirty 22823
days after the filing of an appeal, the county auditor shall 22824
conduct an independent verification of the validity and 22825
sufficiency of the signatures on the petition and certify to the 22826
district board whether the petition contains the necessary number 22827
of valid signatures to require the board to implement the 22828
requested reform. If the treasurer or county auditor certifies 22829
that the petition contains the necessary number of valid 22830
signatures, the district board shall notify the superintendent of 22831
public instruction and the state board of education of the 22832
certification. 22833

(D) The district board shall not implement the reform 22834
requested by the petitioners in any of the following 22835
circumstances: 22836

(1) The district board has determined that the request is for 22837
reasons other than improving student academic achievement or 22838
student safety. 22839

(2) The state superintendent has determined that 22840
implementation of the requested reform would not comply with the 22841
model of differentiated accountability described in section 22842
3302.041 of the Revised Code. 22843

(3) The petitioners have requested the district board to 22844
implement the reform described in division (B)(4) of this section 22845
and the department has not agreed to take over the school's 22846
operation. 22847

(4) When all of the following have occurred: 22848

(a) After a public hearing on the matter, the district board 22849
issued a written statement explaining the reasons that it is 22850
unable to implement the requested reform and agreeing to implement 22851
one of the other reforms described in division (B) of this 22852
section. 22853

(b) The district board submitted its written statement to the 22854
state superintendent and the state board along with evidence 22855
showing how the alternative reform the district board has agreed 22856
to implement will enable the school to improve its academic 22857
performance. 22858

(c) Both the state superintendent and the state board have 22859
approved implementation of the alternative reform. 22860

(E) If the provisions of this section conflict in any way 22861
with the requirements of federal law, federal law shall prevail 22862
over the provisions of this section. 22863

(F) If a school is restructured under this section, ~~section~~ 22864
~~3302.10 or 3302.12 of the Revised Code,~~ or federal law, the school 22865
shall not be required to restructure again under state law for 22866
three consecutive years after the implementation of that prior 22867
restructuring. 22868

(G) Beginning not later than six months after the first 22869
petition under this section has been resolved, the department of 22870
education shall annually evaluate the pilot program and submit a 22871
report to the general assembly under section 101.68 of the Revised 22872
Code. Such reports shall contain its recommendations to the 22873
general assembly with respect to the continuation of the pilot 22874

program, its expansion to other school districts, or the enactment 22875
of further legislation establishing the program statewide under 22876
permanent law. 22877

Sec. 3302.061. (A) A school district board of education shall 22878
review each application received under section 3302.06 of the 22879
Revised Code and, within sixty days after receipt of the 22880
application, shall approve or disapprove the application. In 22881
reviewing applications, the board shall give preference to 22882
applications that propose innovations in one or more of the 22883
following areas: 22884

(1) Curriculum; 22885

(2) Student assessments, other than the assessments 22886
prescribed by sections 3301.0710 and 3301.0712 of the Revised 22887
Code; 22888

(3) Class scheduling; 22889

(4) Accountability measures, including innovations that 22890
expand the number and variety of measures used in order to collect 22891
more complete data about student academic performance. For this 22892
purpose, schools may consider use of measures such as 22893
end-of-course examinations, portfolios of student work, nationally 22894
or internationally normed assessments, the percentage of students 22895
enrolling in post-secondary education, or the percentage of 22896
students simultaneously obtaining a high school diploma and an 22897
associate's degree or certification to work in an industry or 22898
career field. 22899

(5) Provision of student services, including services for 22900
students who are disabled, identified as gifted under Chapter 22901
3324. of the Revised Code, ~~limited~~ English ~~proficient~~ learners, at 22902
risk of academic failure or dropping out, or at risk of suspension 22903
or expulsion; 22904

(6) Provision of health, counseling, or other social services to students;	22905 22906
(7) Preparation of students for transition to higher education or the workforce;	22907 22908
(8) Teacher recruitment, employment, and evaluation;	22909
(9) Compensation for school personnel;	22910
(10) Professional development;	22911
(11) School governance and the roles and responsibilities of principals;	22912 22913
(12) Use of financial or other resources.	22914
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	22915 22916 22917 22918 22919 22920
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	22921 22922 22923 22924 22925
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a	22926 22927 22928 22929 22930 22931 22932 22933 22934

school participating in an innovation school zone to remove board 22935
employees from the school, but no employee shall be terminated 22936
except as provided in section 3311.82, 3319.081, or 3319.16 of the 22937
Revised Code. 22938

(D) The board may do either of the following at any time: 22939

(1) Designate a school as an innovation school by creating an 22940
innovation plan for that school and offering the school an 22941
opportunity to participate in the plan's creation; 22942

(2) Designate as an innovation school zone two or more 22943
schools that share common interests based on factors such as 22944
geographical proximity or similar educational programs or that 22945
serve the same classes of students as they advance to higher grade 22946
levels, by creating an innovation plan for those schools and 22947
offering the schools an opportunity to participate in the plan's 22948
creation. 22949

Sec. 3302.10. (A) Any academic distress commission organized 22950
for a school district under former section 3302.10 of the Revised 22951
Code, as it existed prior to the effective date of this section, 22952
is hereby dissolved. The board of education of each district 22953
wherein an academic distress commission previously had been 22954
established shall reassume all of the powers granted to it under 22955
the Revised Code. 22956

(B)(1) Beginning July 1, 2019, this section shall apply to 22957
each building operated by a school district for which an academic 22958
distress commission had been established under former section 22959
3302.10 of the Revised Code, as it existed prior to the effective 22960
date of this section, and which building also received an overall 22961
grade of "F" under division (C)(3) of section 3302.03 of the 22962
Revised Code for the previous school year. Each building to which 22963
this division applies shall commence the procedure prescribed by 22964
division (C)(1) of this section. 22965

(2) Beginning July 1, 2020, this section shall apply to any school building operated by a city, local, or exempted village school district which is not subject to division (B)(1) of this section and which building receives an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code for the previous school year. Each building to which this division applies shall commence the procedure prescribed by division (C)(1) of this section.

(C)(1) For each school building, in the first year, to which this section applies, the superintendent of public instruction shall designate the building as "in need of improvement," and the district board shall establish a school improvement team for the building. Each team shall be comprised of administrators and teachers, and may include community stakeholders, with oversight from the district board.

The improvement team shall do the following:

(a) Conduct a performance audit that reviews the needs of students, parents, teachers, and administrators of the school building. As part of the performance audit, the improvement team shall convene a group of parents and community stakeholders from within the attendance zone of the building and seek input on student needs and school improvement strategies.

(b) Develop a school improvement plan based on a multi-tiered, evidence-based model. The plan may include measurable benchmarks for improvement in the following areas:

(i) Parent and family engagement;

(ii) Creating a culture of academic success among students;

(iii) Building a culture of student support among school faculty and staff;

(iv) Student attendance;

<u>(v) Dismissal and exclusion rates;</u>	22996
<u>(vi) Student safety and discipline;</u>	22997
<u>(vii) Student promotion and dropout rates;</u>	22998
<u>(viii) Graduation rates.</u>	22999
<u>(c) Submit the improvement plan to the district board for</u>	23000
<u>approval not later than the final day of the school year in which</u>	23001
<u>the process described in division (C)(1) of this section began.</u>	23002
<u>The district board and the district superintendent shall review</u>	23003
<u>the plan and may change elements of the plan in consultation with</u>	23004
<u>the improvement team. Prior to approving the plan, the district</u>	23005
<u>board shall seek community feedback in one or more public</u>	23006
<u>hearings.</u>	23007
<u>(d) An improvement team may request technical support from</u>	23008
<u>the department of education during development of the plan.</u>	23009
<u>(e) An improvement team may recommend that the district board</u>	23010
<u>voluntarily initiate a community learning center model process for</u>	23011
<u>the building, as described in section 3302.17 of the Revised Code.</u>	23012
<u>(2) If a school building receives an overall grade of "F"</u>	23013
<u>under division (C)(3) of section 3302.03 of the Revised Code for a</u>	23014
<u>second consecutive year, the building shall retain "in need of</u>	23015
<u>improvement status," and the district board and the improvement</u>	23016
<u>team shall begin implementing the improvement plan developed under</u>	23017
<u>division (C)(1) of this section. The improvement team shall</u>	23018
<u>monitor progress on the implementation of the improvement plan,</u>	23019
<u>with oversight from the district board. The improvement team may</u>	23020
<u>hire an academic coordinator or request technical support from the</u>	23021
<u>department during implementation of the plan.</u>	23022
<u>(3) If a school building receives an overall grade of "F"</u>	23023
<u>under division (C)(3) of section 3302.03 of the Revised Code for a</u>	23024
<u>third consecutive year, the building shall retain "in need of</u>	23025

improvement status," and the improvement team shall continue 23026
implementing the improvement plan, with oversight from the 23027
district board. The department of education may perform a mid-year 23028
and end-of-year review of the measurable benchmarks in the 23029
improvement plan and provide feedback to the improvement team, 23030
district board, and district superintendent. 23031

(4)(a) If a school building receives an overall grade of "F" 23032
under division (C)(3) of section 3302.03 of the Revised Code for a 23033
fourth consecutive year, the building shall retain "in need of 23034
improvement status," and the improvement team shall continue 23035
implementing the improvement plan, with oversight from the 23036
district board. The state superintendent shall review the progress 23037
made under the school improvement plan and determine if the 23038
building may move out of "in need of improvement status." 23039

(b) In determining whether a building shall move out of "in 23040
need of improvement status," the state superintendent shall review 23041
whether the school has made marked improvement under the 23042
improvement plan in accordance with the criteria developed under 23043
division (C)(5) of this section. 23044

(5) The state board of education shall adopt rules 23045
establishing criteria for the state superintendent to consider 23046
when determining whether a building may move out of "in need of 23047
improvement status." 23048

(D)(1) Beginning July 1, 2019, the state superintendent, in 23049
conjunction with the state board, shall convene a meeting of 23050
stakeholders to determine the best method to support school 23051
buildings that fail to meet improvement benchmarks under the 23052
improvement plan developed under division (C)(1) of this section 23053
and prepare a report of the recommendations. 23054

(2) The state superintendent shall submit this report to the 23055
standing committees of the house of representatives and senate 23056

that consider education legislation not later than January 1, 23057
2020. 23058

Sec. 3302.16. (A)(1) As used in sections 3302.10, 3302.17, 23059
and 3302.18 of the Revised Code, "community learning center" means 23060
a school operated by a city, exempted village, or local school 23061
district or community school established under Chapter 3314. of 23062
the Revised Code that participates in a coordinated, 23063
community-based effort with community partners to provide 23064
comprehensive educational, developmental, family, and health 23065
services to students, families, and community members during 23066
school hours and hours in which school is not in session. 23067

(2) For purposes of this section and sections 3302.10, 23068
3302.17, and 3302.18 of the Revised Code, "community partner" 23069
means a provider to students, families, or community members of 23070
health care services, on-site resource coordinators, and any other 23071
services or programs determined appropriate by a school action 23072
team created under section 3302.18 of the Revised Code. 23073

(B) Prior to providing health services to a student, a 23074
community learning center shall obtain the written consent of the 23075
student's parent, guardian, or custodian, if the student is less 23076
than eighteen years old, or the written consent of the student, if 23077
the student is at least eighteen years old. 23078

(C) A community learning center and any employee, contractor, 23079
or volunteer of a community learning center shall, in accordance 23080
with all applicable state and federal laws, maintain the 23081
confidentiality of patient-identifying information obtained in the 23082
course of providing health services. 23083

Sec. 3302.17. (A) Any school building operated by a city, 23084
exempted village, or local school district, or a community school 23085
established under Chapter 3314. of the Revised Code is eligible to 23086

initiate the community learning center process as prescribed by 23087
this section. 23088

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 23089
district board of education or community school governing 23090
authority may initiate a community learning center process for any 23091
school building ~~to which this section applies~~ in the manner 23092
prescribed by this division. 23093

First, the board or governing authority shall conduct a 23094
public information hearing at each school building to which this 23095
section applies to inform the community of the community learning 23096
center process. The board or governing authority may do all of the 23097
following with regard to the public information hearing: 23098

(1) Announce the meeting not less than forty-five days in 23099
advance at the school and on the school's or district's web sites 23100
and using tools to ensure effective communication with individuals 23101
with disabilities; 23102

(2) Schedule the meeting for an evening or weekend time; 23103

(3) Provide interpretation services and written materials in 23104
all languages spoken by five per cent or more of the students 23105
enrolled in the school; 23106

(4) Provide child care services for parents attending the 23107
meeting; 23108

(5) Provide parents, students, teachers, nonteaching 23109
employees, and community members with the opportunity to speak at 23110
the meeting; 23111

(6) Comply with section 149.43 of the Revised Code. 23112

In preparing for the public information hearing, the board or 23113
governing authority shall ensure that information about the 23114
hearing is broadly distributed throughout the community. 23115

The board or governing authority may enter into an agreement 23116
with any civic engagement organizations, community organizations, 23117
or employee organizations to support the implementation of the 23118
community learning center process. 23119

The board or governing authority shall conduct a follow-up 23120
hearing at least once annually until action is further taken under 23121
the section with respect to the school building or until the 23122
conditions described in division (A) of this section no longer 23123
apply to the school building. 23124

(C) Not sooner than forty-five days after the first public 23125
information hearing, the board or governing authority shall 23126
conduct an election, by paper ballot, to initiate the process to 23127
become a community learning center. Only parents or guardians of 23128
students enrolled in the school and students enrolled in a 23129
different school operated by a joint vocational school district 23130
but are otherwise entitled to attend the school, and teachers and 23131
nonteaching employees who are assigned to the school may vote in 23132
the election. 23133

The board or governing authority shall distribute the ballots 23134
by mail and shall make copies available at the school and on the 23135
web site of the school. The board or governing authority also may 23136
distribute the ballots by directly giving ballots to teachers and 23137
nonteaching employees and sending home ballots with every student 23138
enrolled in the school building. 23139

(D) The board or governing authority shall initiate the 23140
transition of the building to a community learning center if the 23141
results of the election held under division (C) of this section 23142
are as follows: 23143

(1) At least fifty per cent of parents and guardians of 23144
students enrolled in the eligible school building and students 23145
enrolled in a different building operated by a joint vocational 23146

school district but who are entitled to attend the school cast 23147
ballots by a date set by the board or governing authority, and of 23148
those ballots at least sixty-seven per cent are in favor of 23149
initiating the process; and 23150

(2) At least fifty per cent of teachers and nonteaching 23151
employees who are assigned to the school cast ballots by a date 23152
set by the board or governing authority, and of those ballots at 23153
least sixty-seven per cent are in favor of initiating the process. 23154

(E) If a community learning center process is initiated under 23155
this section, the board or governing authority shall create a 23156
school action team under section 3302.18 of the Revised Code. 23157
Within four months upon selection, the school action team shall 23158
conduct and complete, in consultation with community partners, a 23159
performance audit of the school and review, with parental input, 23160
the needs of the school with regard to restructuring under section 23161
~~3302.10, 3302.12, or~~ 3302.042 of the Revised Code, or federal law. 23162

The school action team shall provide quarterly updates of its 23163
work in a public hearing that complies with the same 23164
specifications prescribed in division (B) of this section. 23165

(F) Upon completion of the audit and review, the school 23166
action team shall present its findings at a public hearing that 23167
complies with the same specifications prescribed in division (B) 23168
of this section. After the school action team presents its 23169
findings at the public hearing, it shall create a community 23170
learning center improvement plan that designates appropriate 23171
interventions, which may be based on the recommendations developed 23172
by the department under division (H)(1)(b) of this section. 23173

If there is a federally mandated school improvement planning 23174
process, the team shall coordinate its work with that plan. 23175

The school action team shall approve the plan by a majority 23176
vote. 23177

(G) Upon approval of the plan by the school action team, the team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H)(1) The department shall do all of the following with respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community

learning center improvement plan that may be used by a school 23209
action team under division (F) of this section; 23210

(c) Publish a menu of programs and services that may be 23211
offered by community learning centers. The information shall be 23212
posted on the department's web site. To compile this information 23213
the department shall solicit input from resource coordinators of 23214
existing community learning centers. 23215

(d) Provide information regarding implementation of 23216
comprehensive community-based programs and supportive services 23217
including the community learning center model to school buildings 23218
meeting any of the following conditions: 23219

(i) The building is in improvement status as defined by the 23220
"No Child Left Behind Act of 2001" or under an agreement between 23221
the Ohio department of education and the United States secretary 23222
of education. 23223

(ii) The building is a secondary school that is among the 23224
lowest achieving fifteen per cent of secondary schools statewide, 23225
as determined by the department. 23226

(iii) The building is a secondary school with a graduation 23227
rate of sixty per cent or lower for three or more consecutive 23228
years. 23229

(iv) The building is a school that the department determines 23230
is persistently low-performing. 23231

(2) The department may do the following with respect to this 23232
section: 23233

(a) Provide assistance, facilitation, and training to school 23234
action teams in the conducting of the audit required under this 23235
section; 23236

(b) Provide opportunities for members of school action teams 23237
from different schools to share school improvement strategies with 23238

parents, teachers, and other relevant stakeholders in higher performing schools; 23239
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(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan. 23241
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(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan. 23244
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Sec. 3302.18. (A)(1) If a community learning center process is initiated under section 3302.17 of the Revised Code for any school building operated by a city, exempted village, or local school district or a community school established under Chapter 3314. of the Revised Code, the district board of education or community school governing authority shall create a school action team for the school building. The team shall consist of twelve members, as follows: 23252
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(a) Seven individuals, consisting of parents or guardians of students enrolled in the school and members of the community who are not teachers or nonteaching employees, as elected by their peers; 23260
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(b) Five teachers and nonteaching employees who are assigned to the school building and are not parents or guardians of students enrolled in the school, as elected by their peers. 23264
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(2) To assist a school action team initiated under section 3302.17 of the Revised Code, the district board, community school 23267
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governing authority, or community partner shall select an 23269
individual who is employed by the district, school, or community 23270
partner to serve as the resource coordinator for the community 23271
learning center. The school action team shall make recommendations 23272
to the board, governing authority, or community partner on 23273
potential candidates. The resource coordinator shall not be 23274
considered a member of a school action team. The resource 23275
coordinator shall assist in the development and coordination of 23276
programs and services for the community learning center. 23277

(B) All members of a school action team shall serve as voting 23278
members. Terms of office shall be for three years, and vacancies 23279
shall be filled in the same manner as the original appointment. 23280

Members shall serve without compensation. 23281

(C) In addition to the responsibilities listed in section 23282
3302.17 of the Revised Code, the school action team shall do all 23283
of the following: 23284

(1) Monitor and assist in the implementation of the school 23285
improvement plan, if adopted; 23286

(2) Meet with candidates for principal and other 23287
administrative positions and make recommendations to the 23288
superintendent and board of education of the district or governing 23289
authority of the community school; 23290

(3) Advise on school budgets; 23291

(4) Establish ongoing mechanisms that engage students, 23292
parents, and community members in the school; 23293

(5) Continue to collect feedback and information from parents 23294
using an annual survey; 23295

(6) Develop and approve a written parent involvement policy 23296
that outlines the role of parents and guardians in the school; 23297

(7) Monitor school progress on data related to academic 23298

achievement; attendance, suspensions, and expulsions; graduation 23299
rates; and reclassifications disaggregated by major racial and 23300
ethnic groups, ~~limited English proficient students~~ learners, 23301
economically disadvantaged students, and students with 23302
disabilities; 23303

(8) Receive regular updates from the principal on policy 23304
matters affecting the school and provide advice on such matters; 23305

(9) Meet regularly with parents and community members to 23306
discuss policy matters affecting the school. 23307

Sec. 3310.02. (A) The educational choice scholarship pilot 23308
program is hereby established. Under the program, the department 23309
of education annually shall pay scholarships to attend chartered 23310
nonpublic schools in accordance with section 3310.08 of the 23311
Revised Code for up to the following number of eligible students: 23312

(1) Thirty thousand in the 2011-2012 school year; 23313

(2) Sixty thousand in the 2012-2013 school year and 23314
thereafter. 23315

For any school year for which the number of applications for 23316
scholarships timely submitted for the program exceeds ninety per 23317
cent of the maximum number of scholarships permitted under 23318
division (A) of this section, the department shall increase the 23319
maximum number of scholarships permitted for the following school 23320
year by five per cent. The department shall make the increased 23321
number of scholarships available for each subsequent school year 23322
until the department is again required to increase the number of 23323
scholarships under division (A) of this section. 23324

If the number of students who apply for a scholarship exceeds 23325
the maximum number of scholarships permitted under division (A) of 23326
this section, priority shall be given to those students applying 23327
for a scholarship under section 3310.03 of the Revised Code in 23328

accordance with division (B) of this section. 23329

~~(B) If the number of students who apply for a scholarship~~ 23330
~~exceeds the number of scholarships available under division (A) of~~ 23331
~~this section for the applicable school year, the~~ The department 23332
shall award scholarships under section 3310.03 of the Revised Code 23333
in the following order of priority: 23334

(1) First, to eligible students who received scholarships in 23335
the prior school year; 23336

(2) Second, to eligible students with family incomes at or 23337
below two hundred per cent of the federal poverty guidelines, as 23338
defined in section 5101.46 of the Revised Code, who qualify under 23339
divisions (A) and (E) of section 3310.03 of the Revised Code. If 23340
the number of students described in division (B)(2) of this 23341
section who apply for a scholarship exceeds the number of 23342
available scholarships after awards are made under division (B)(1) 23343
of this section, the department shall select students described in 23344
division (B)(2) of this section by lot to receive any remaining 23345
scholarships. 23346

(3) Third, to other eligible students who qualify under 23347
divisions (A) and (E) of section 3310.03 of the Revised Code. If 23348
the number of students described in division (B)(3) of this 23349
section who apply for a scholarship exceeds the number of 23350
available scholarships after awards are made under divisions 23351
(B)(1) and (2) of this section, the department shall select 23352
students described in division (B)(3) of this section by lot to 23353
receive any remaining scholarships. 23354

(4) Fourth, to eligible students with family incomes at or 23355
below two hundred per cent of the federal poverty guidelines who 23356
qualify under division (D) of section 3310.03 of the Revised Code. 23357
If the number of students described in division (B)(4) of this 23358
section who apply for a scholarship exceeds the number of 23359

available scholarships after awards are made under divisions 23360
(B)(1) to (3) of this section, the department shall select 23361
students described in division (B)(4) of this section by lot to 23362
receive any remaining scholarships. 23363

(5) Fifth, to other eligible students who qualify under 23364
division (D) of section 3310.03 of the Revised Code. If the number 23365
of students described in division (B)(5) of this section who apply 23366
for a scholarship exceeds the number of available scholarships 23367
after awards are made under divisions (B)(1) to (4) of this 23368
section, the department shall select students described in 23369
division (B)(5) of this section by lot to receive any remaining 23370
scholarships. 23371

(6) Sixth, to eligible students with family incomes at or 23372
below two hundred per cent of the federal poverty guidelines who 23373
qualify under division (B) of section 3310.03 of the Revised Code. 23374
If the number of students described in division (B)(6) of this 23375
section who apply for a scholarship exceeds the number of 23376
available scholarships after awards are made under divisions 23377
(B)(1) to (5) of this section, the department shall select 23378
students described in division (B)(6) of this section by lot to 23379
receive any remaining scholarships. 23380

(7) Seventh, to other eligible students who qualify under 23381
division (B) of section 3310.03 of the Revised Code. If the number 23382
of students described in division (B)(7) of this section who apply 23383
for a scholarship exceeds the number of available scholarships 23384
after awards are made under divisions (B)(1) to (6) of this 23385
section, the department shall select students described in 23386
division (B)(7) of this section by lot to receive any remaining 23387
scholarships. 23388

Sec. 3310.03. A student is an "eligible student" for purposes 23389
of the educational choice scholarship pilot program if the 23390

student's resident district is not a school district in which the 23391
pilot project scholarship program is operating under sections 23392
3313.974 to 3313.979 of the Revised Code and the student satisfies 23393
one of the conditions in division (A), (B), (C), (D), ~~or~~ (E), or 23394
(F) of this section: 23395

(A)(1) The student is enrolled in a school building operated 23396
by the student's resident district that, on the report card issued 23397
under section 3302.03 of the Revised Code published prior to the 23398
first day of July of the school year for which a scholarship is 23399
sought, did not receive a rating as described in division ~~(H)~~(J) 23400
of this section, and to which any or a combination of any of the 23401
following apply for two of the three most recent report cards 23402
published prior to the first day of July of the school year for 23403
which a scholarship is sought: 23404

(a) The building was declared to be in a state of academic 23405
emergency or academic watch under section 3302.03 of the Revised 23406
Code as that section existed prior to March 22, 2013. 23407

(b) The building received a grade of "D" or "F" for the 23408
performance index score under division (A)(1)(b) or (B)(1)(b) of 23409
section 3302.03 of the Revised Code and for the value-added 23410
progress dimension under division (A)(1)(e) or (B)(1)(e) of 23411
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 23412
2014-2015, or 2015-2016 school year; or if the building serves 23413
only grades ten through twelve, the building received a grade of 23414
"D" or "F" for the performance index score under division 23415
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 23416
had a four-year adjusted cohort graduation rate of less than 23417
seventy-five per cent. 23418

(c) The building received an overall grade of "D" or "F" 23419
under division (C)(3) of section 3302.03 of the Revised Code or a 23420
grade of "F" for the value-added progress dimension under division 23421

(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter. 23422
23423

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section. 23424
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(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section. 23432
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(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought. 23436
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(5) The student will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district: 23442
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(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building; 23449
23450
23451

(b) In the most recent rating published prior to the first 23452

day of July of the school year for which scholarship is sought, 23453
the district did not receive a rating described in division ~~(H)~~(J) 23454
of this section, and in at least two of the three most recent 23455
report cards published prior to the first day of July of that 23456
school year, any or a combination of the following apply to the 23457
district: 23458

(i) The district was declared to be in a state of academic 23459
emergency under section 3302.03 of the Revised Code as it existed 23460
prior to March 22, 2013. 23461

(ii) The district received a grade of "D" or "F" for the 23462
performance index score under division (A)(1)(b) or (B)(1)(b) of 23463
section 3302.03 of the Revised Code and for the value-added 23464
progress dimension under division (A)(1)(e) or (B)(1)(e) of 23465
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 23466
2014-2015, or 2015-2016 school year. 23467

(c) The district received an overall grade of "D" or "F" 23468
under division (C)(3) of section 3302.03 of the Revised Code or a 23469
grade of "F" for the value-added progress dimension under division 23470
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 23471
school year or any school year thereafter. 23472

(6) Beginning in the 2016-2017 school year, the student is 23473
enrolled in or will be enrolling in a building in the school year 23474
for which the scholarship is sought that serves any of grades nine 23475
through twelve and that received a grade of "D" or "F" for the 23476
four-year adjusted cohort graduation rate under division 23477
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 23478
Revised Code in two of the three most recent report cards 23479
published prior to the first day of July of the school year for 23480
which a scholarship is sought. 23481

(B)(1) The student is enrolled in a school building operated 23482
by the student's resident district and to which both of the 23483

following apply: 23484

(a) The building was ranked, for at least two of the three 23485
most recent rankings prior to the first day of July of the school 23486
year for which a scholarship is sought, in the lowest ten per cent 23487
of all buildings operated by city, local, and exempted village 23488
school districts according to performance index score as 23489
determined by the department of education. 23490

(b) The building was not declared to be excellent or 23491
effective, or the equivalent of such ratings as determined by the 23492
department, under section 3302.03 of the Revised Code in the most 23493
recent rating published prior to the first day of July of the 23494
school year for which a scholarship is sought. 23495

(2) The student will be enrolling in any of grades 23496
kindergarten through twelve in this state for the first time in 23497
the school year for which a scholarship is sought, will be at 23498
least five years of age, as defined in section 3321.01 of the 23499
Revised Code, by the first day of January of the school year for 23500
which a scholarship is sought, and otherwise would be assigned 23501
under section 3319.01 of the Revised Code in the school year for 23502
which a scholarship is sought, to a school building described in 23503
division (B)(1) of this section. 23504

(3) The student is enrolled in a community school established 23505
under Chapter 3314. of the Revised Code but otherwise would be 23506
assigned under section 3319.01 of the Revised Code to a building 23507
described in division (B)(1) of this section. 23508

(4) The student is enrolled in a school building operated by 23509
the student's resident district or in a community school 23510
established under Chapter 3314. of the Revised Code and otherwise 23511
would be assigned under section 3319.01 of the Revised Code to a 23512
school building described in division (B)(1) of this section in 23513
the school year for which the scholarship is sought. 23514

(C) The student is enrolled in a nonpublic school at the time 23515
the school is granted a charter by the state board of education 23516
under section 3301.16 of the Revised Code and the student meets 23517
the standards of division (B) of section 3310.031 of the Revised 23518
Code. 23519

(D) For the 2016-2017 school year and each school year 23520
thereafter, the student is in any of grades kindergarten through 23521
three, is enrolled in a school building that is operated by the 23522
student's resident district or will be enrolling in any of grades 23523
kindergarten through twelve in this state for the first time in 23524
the school year for which a scholarship is sought, and to which 23525
both of the following apply: 23526

(1) The building, in at least two of the three most recent 23527
ratings of school buildings published prior to the first day of 23528
July of the school year for which a scholarship is sought, 23529
received a grade of "D" or "F" for making progress in improving 23530
literacy in grades kindergarten through three under division 23531
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 23532

(2) The building did not receive a grade of "A" for making 23533
progress in improving literacy in grades kindergarten through 23534
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 23535
the Revised Code in the most recent rating published prior to the 23536
first day of July of the school year for which a scholarship is 23537
sought. 23538

(E) The student's resident district ~~is~~ was subject to former 23539
section 3302.10 of the Revised Code ~~and the student either:~~ 23540

~~(1) Is enrolled in a school building operated by the resident 23541
district or in a community school established under Chapter 3314.~~ 23542
~~of the Revised Code;~~ 23543

~~(2) Will be both enrolling in any of grades kindergarten 23544
through twelve in this state for the first time and at least five 23545~~

~~years of age by the first day of January of the school year for~~ 23546
~~which a scholarship is sought as it existed prior to the effective~~ 23547
~~date of this amendment.~~ 23548

(F) The student is enrolled in the eighth grade in a 23549
chartered nonpublic school without a state scholarship in the 23550
school year prior to the first school year for which a scholarship 23551
is sought but otherwise meets the eligibility criteria prescribed 23552
by this section. 23553

(G) A student who receives a scholarship under the 23554
educational choice scholarship pilot program remains an eligible 23555
student and may continue to receive scholarships in subsequent 23556
school years until the student completes grade twelve, so long as 23557
all of the following apply: 23558

(1) The student's resident district remains the same, or the 23559
student transfers to a new resident district and otherwise would 23560
be assigned in the new resident district to a school building 23561
described in division (A)(1), (B)(1), (D), or (E) of this section. 23562

(2) Except as provided in divisions (K)(1) and (L) of section 23563
3301.0711 of the Revised Code, the student takes each assessment 23564
prescribed for the student's grade level under section 3301.0710 23565
or 3301.0712 of the Revised Code while enrolled in a chartered 23566
nonpublic school. 23567

(3) In each school year that the student is enrolled in a 23568
chartered nonpublic school, the student is absent from school for 23569
not more than twenty days that the school is open for instruction, 23570
not including excused absences. 23571

~~(G)~~(H)(1) The department shall cease awarding first-time 23572
scholarships pursuant to divisions (A)(1) to (4) of this section 23573
with respect to a school building that, in the most recent ratings 23574
of school buildings published under section 3302.03 of the Revised 23575
Code prior to the first day of July of the school year, ceases to 23576

meet the criteria in division (A)(1) of this section. The 23577
department shall cease awarding first-time scholarships pursuant 23578
to division (A)(5) of this section with respect to a school 23579
district that, in the most recent ratings of school districts 23580
published under section 3302.03 of the Revised Code prior to the 23581
first day of July of the school year, ceases to meet the criteria 23582
in division (A)(5) of this section. 23583

(2) The department shall cease awarding first-time 23584
scholarships pursuant to divisions (B)(1) to (4) of this section 23585
with respect to a school building that, in the most recent ratings 23586
of school buildings under section 3302.03 of the Revised Code 23587
prior to the first day of July of the school year, ceases to meet 23588
the criteria in division (B)(1) of this section. 23589

(3) The department shall cease awarding first-time 23590
scholarships pursuant to division (D) of this section with respect 23591
to a school building that, in the most recent ratings of school 23592
buildings under section 3302.03 of the Revised Code prior to the 23593
first day of July of the school year, ceases to meet the criteria 23594
in division (D) of this section. 23595

(4) The department shall cease awarding first-time 23596
scholarships pursuant to division (E) of this section with respect 23597
to a school district subject to former section 3302.10 of the 23598
Revised Code as it existed prior to the effective date of this 23599
amendment when the academic distress commission established for 23600
the district ceases to exist. 23601

(5) However, students who have received scholarships in the 23602
prior school year remain eligible students pursuant to division 23603
~~(F)~~(G) of this section. 23604

~~(H)~~(I) The state board of education shall adopt rules 23605
defining excused absences for purposes of division ~~(F)~~(G)(3) of 23606
this section. 23607

~~(I)~~(J)(1) A student who satisfies only the conditions 23608
prescribed in divisions (A)(1) to (4) of this section shall not be 23609
eligible for a scholarship if the student's resident building 23610
meets any of the following in the most recent rating under section 23611
3302.03 of the Revised Code published prior to the first day of 23612
July of the school year for which a scholarship is sought: 23613

(a) The building has an overall designation of excellent or 23614
effective under section 3302.03 of the Revised Code as it existed 23615
prior to March 22, 2013. 23616

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 23617
school year, the building has a grade of "A" or "B" for the 23618
performance index score under division (A)(1)(b) or (B)(1)(b) of 23619
section 3302.03 of the Revised Code and for the value-added 23620
progress dimension under division (A)(1)(e) or (B)(1)(e) of 23621
section 3302.03 of the Revised Code; or if the building serves 23622
only grades ten through twelve, the building received a grade of 23623
"A" or "B" for the performance index score under division 23624
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 23625
had a four-year adjusted cohort graduation rate of greater than or 23626
equal to seventy-five per cent. 23627

(c) For the 2016-2017 school year or any school year 23628
thereafter, the building has a grade of "A" or "B" under division 23629
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 23630
for the value-added progress dimension under division (C)(1)(e) of 23631
section 3302.03 of the Revised Code; or if the building serves 23632
only grades ten through twelve, the building received a grade of 23633
"A" or "B" for the performance index score under division 23634
(C)(1)(b) of section 3302.03 of the Revised Code and had a 23635
four-year adjusted cohort graduation rate of greater than or equal 23636
to seventy-five per cent. 23637

(2) A student who satisfies only the conditions prescribed in 23638
division (A)(5) of this section shall not be eligible for a 23639

scholarship if the student's resident district meets any of the 23640
following in the most recent rating under section 3302.03 of the 23641
Revised Code published prior to the first day of July of the 23642
school year for which a scholarship is sought: 23643

(a) The district has an overall designation of excellent or 23644
effective under section 3302.03 of the Revised Code as it existed 23645
prior to March 22, 2013. 23646

(b) The district has a grade of "A" or "B" for the 23647
performance index score under division (A)(1)(b) or (B)(1)(b) of 23648
section 3302.03 of the Revised Code and for the value-added 23649
progress dimension under division (A)(1)(e) or (B)(1)(e) of 23650
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 23651
2014-2015, and 2015-2016 school years. 23652

(c) The district has an overall grade of "A" or "B" under 23653
division (C)(3) of section 3302.03 of the Revised Code and a grade 23654
of "A" for the value-added progress dimension under division 23655
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 23656
school year or any school year thereafter. 23657

Sec. 3310.032. (A) A student is an "eligible student" for 23658
purposes of the expansion of the educational choice scholarship 23659
pilot program under this section if the student's resident 23660
district is not a school district in which the pilot project 23661
scholarship program is operating under sections 3313.974 to 23662
3313.979 of the Revised Code, the student is not eligible for an 23663
educational choice scholarship under section 3310.03 of the 23664
Revised Code, and the student's family income is at or below two 23665
hundred per cent of the federal poverty guidelines, as defined in 23666
section 5101.46 of the Revised Code. 23667

(B) In each fiscal year for which the general assembly 23668
appropriates funds for purposes of this section, the department of 23669
education shall pay scholarships to attend chartered nonpublic 23670

schools in accordance with section 3310.08 of the Revised Code. 23671
The number of scholarships awarded under this section shall not 23672
exceed the number that can be funded with appropriations made by 23673
the general assembly for this purpose. 23674

(C) Scholarships under this section shall be awarded as 23675
follows: 23676

(1) For the 2013-2014 school year, to eligible students who 23677
are entering kindergarten in that school year for the first time; 23678

(2) For each subsequent school year through the 2019-2020 23679
school year, scholarships shall be awarded to eligible students in 23680
the next grade level above the highest grade level awarded in the 23681
preceding school year, in addition to the grade levels for which 23682
students received scholarships in the preceding school year; 23683

(3) Beginning with the 2020-2021 school year, to eligible 23684
students who are entering any of grades kindergarten through 23685
twelve in that school year for the first time. 23686

(D) If the number of eligible students who apply for a 23687
scholarship under this section exceeds the scholarships available 23688
based on the appropriation for this section, the department shall 23689
award scholarships in the following order of priority: 23690

(1) First, to eligible students who received scholarships 23691
under this section in the prior school year; 23692

(2) Second, to eligible students with family incomes at or 23693
below one hundred per cent of the federal poverty guidelines. If 23694
the number of students described in division (D)(2) of this 23695
section who apply for a scholarship exceeds the number of 23696
available scholarships after awards are made under division (D)(1) 23697
of this section, the department shall select students described in 23698
division (D)(2) of this section by lot to receive any remaining 23699
scholarships. 23700

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships.

(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions ~~(F)~~(G)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however:

(1) If the student's family income is above two hundred per cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount.

(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount.

(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship.

Sec. 3310.035. (A) A student who is eligible for an 23731
educational choice scholarship under both sections 3310.03 and 23732
3310.032 of the Revised Code, and applies for a scholarship for 23733
the first time after September 29, 2013, shall receive a 23734
scholarship under section 3310.03 of the Revised Code. 23735

(B) A student who is eligible under both sections 3310.03 and 23736
3310.032 of the Revised Code and received a scholarship in the 23737
previous school year shall continue to receive the scholarship 23738
under the section from which the student received the scholarship 23739
in the previous school year, so long as: 23740

(1) The number of students who apply for a scholarship does 23741
not exceed the number of scholarships available under division (A) 23742
of section 3310.02 of the Revised Code. 23743

(2) A student who receives a scholarship under section 23744
3310.03 of the Revised Code satisfies with the conditions 23745
specified in divisions ~~(F)~~(G)(1) to (3) of that section, and a 23746
student who receives a scholarship under section 3310.032 23747
satisfies with the conditions specified in divisions ~~(E)~~(G)(2) and 23748
(3) of section 3310.03 of the Revised Code. 23749

Sec. 3310.08. (A) The amount paid for an eligible student 23750
under the educational choice scholarship pilot program and the 23751
expansion of the program under section 3310.032 of the Revised 23752
Code shall be the lesser of the tuition of the chartered nonpublic 23753
school in which the student is enrolled, prior to the application 23754
of any other sources of financial aid received by the student, or 23755
the maximum amount prescribed in section 3310.09 of the Revised 23756
Code. 23757

(B)(1) The department of education shall pay to the parent of 23758
each eligible student for whom a scholarship is awarded under the 23759
program, or to the student if at least eighteen years of age, 23760

periodic partial payments of the scholarship. 23761

(2) The department shall proportionately reduce or terminate 23762
the payments for any student who withdraws from a chartered 23763
nonpublic school prior to the end of the school year. 23764

(C)(1) The department shall deduct from the payments made to 23765
each school district under Chapter 3317., and if necessary, 23766
sections 321.24 and 323.156 of the Revised Code, the amount paid 23767
under division (B) of this section for each eligible student who 23768
qualifies for a scholarship under section 3310.03 of the Revised 23769
Code and who is entitled under section 3313.64 or 3313.65 of the 23770
Revised Code to attend school in the district. In the case of a 23771
student entitled to attend school in a school district under 23772
division (B)(2)(a) of section 3313.64 or division (C) of section 23773
3313.65 of the Revised Code, the department shall deduct the 23774
payments from the school district in whose formula ADM the student 23775
is included, as that term is defined in section 3317.02 of the 23776
Revised Code. 23777

(2) If the department reduces or terminates payments to a 23778
parent or a student, as prescribed in division (B)(2) of this 23779
section, and the student enrolls in the schools of the student's 23780
resident district or in a community school, established under 23781
Chapter 3314. of the Revised Code, before the end of the school 23782
year, the department shall proportionally restore to the resident 23783
district the amount deducted for that student under division 23784
(C)(1) of this section. 23785

Sec. 3310.16. ~~(A) Except as provided in division (B) of this~~ 23786
~~section, for~~ For the 2013-2014 2020-2021 school year and each 23787
school year thereafter, the department of education shall ~~conduct~~ 23788
~~two application periods~~ accept, process, and award scholarships 23789
each year for the educational choice scholarship pilot program 23790
under sections 3310.03 and 3310.032 of the Revised Code, as 23791

follows: 23792

~~(1) The first (A) A priority application period shall open 23793
not sooner than on the first day of February January prior to the 23794
first day of July of the school year for which a scholarship is 23795
sought and run not less than seventy five days to the first day of 23796
May of that year. The department shall award scholarships under 23797
this division not later than the thirty-first day of May prior to 23798
the first day of July of the school year for which a scholarship 23799
is sought. 23800~~

~~(2) The second application period shall open not sooner than 23801
the first day of July of the school year for which the scholarship 23802
is sought and run not less than thirty days. 23803~~

~~(B) If the scholarships awarded under section 3310.032 of the 23804
Revised Code in the first application period for any school year 23805
use the entirety of the amount appropriated by the general 23806
assembly for such scholarships for that school year, the 23807
department need not conduct a second application period for 23808
scholarships under that section. If, after the first application 23809
period, there are funds remaining to award scholarships under 23810
section 3310.032 of the Revised Code, the department shall conduct 23811
a second application period in accordance with division (A)(2) of 23812
this section. 23813~~

~~(C) Not later than the thirty first day of May of each school 23814
year, the department shall determine whether funds remain 23815
available for income based scholarships under the educational 23816
choice scholarship program after the first application period The 23817
department shall continue to award scholarships after the priority 23818
application period closes. If the department awards a scholarship 23819
after the beginning of the school year, the department shall 23820
prorate the amount of the scholarship based on how much of the 23821
school year remains. The department shall continue to award 23822~~

income-based scholarships under section 3310.032 of the Revised Code only so long as funds appropriated by the general assembly for such scholarships for that school year remain available. 23823
23824
23825

Sec. 3311.29. (A) Except as provided under division (B), (C), 23826
or (D) of this section, no school district shall be created and no 23827
school district shall exist which does not maintain within such 23828
district public schools consisting of grades kindergarten through 23829
twelve and any such existing school district not maintaining such 23830
schools shall be dissolved and its territory joined with another 23831
school district or districts by order of the state board of 23832
education if no agreement is made among the surrounding districts 23833
voluntarily, which order shall provide an equitable division of 23834
the funds, property, and indebtedness of the dissolved school 23835
district among the districts receiving its territory. The state 23836
board of education may authorize exceptions to school districts 23837
where topography, sparsity of population, and other factors make 23838
compliance impracticable. 23839

The superintendent of public instruction is without authority 23840
to distribute funds under Chapter 3317. of the Revised Code to any 23841
school district that does not maintain schools with grades 23842
kindergarten through twelve and to which no exception has been 23843
granted by the state board of education. 23844

(B) Division (A) of this section does not apply to any joint 23845
vocational school district or any cooperative education school 23846
district established pursuant to divisions (A) to (C) of section 23847
3311.52 of the Revised Code. 23848

(C)(1)(a) Except as provided in division (C)(3) of this 23849
section, division (A) of this section does not apply to any 23850
cooperative education school district established pursuant to 23851
section 3311.521 of the Revised Code nor to the city, exempted 23852
village, or local school districts that have territory within such 23853

a cooperative education district. 23854

(b) The cooperative district and each city, exempted village, 23855
or local district with territory within the cooperative district 23856
shall maintain the grades that the resolution adopted or amended 23857
pursuant to section 3311.521 of the Revised Code specifies. 23858

(2) Any cooperative education school district described under 23859
division (C)(1) of this section that fails to maintain the grades 23860
it is specified to operate shall be dissolved by order of the 23861
state board of education unless prior to such an order the 23862
cooperative district is dissolved pursuant to section 3311.54 of 23863
the Revised Code. Any such order shall provide for the equitable 23864
adjustment, division, and disposition of the assets, property, 23865
debts, and obligations of the district among each city, local, and 23866
exempted village school district whose territory is in the 23867
cooperative district and shall provide that the tax duplicate of 23868
each city, local, and exempted village school district whose 23869
territory is in the cooperative district shall be bound for and 23870
assume its share of the outstanding indebtedness of the 23871
cooperative district. 23872

(3) If any city, exempted village, or local school district 23873
described under division (C)(1) of this section fails to maintain 23874
the grades it is specified to operate the cooperative district 23875
within which it has territory shall be dissolved in accordance 23876
with division (C)(2) of this section and upon that dissolution any 23877
city, exempted village, or local district failing to maintain 23878
grades kindergarten through twelve shall be subject to the 23879
provisions for dissolution in division (A) of this section. 23880

(D) Division (A) of this section does not apply to any school 23881
district that is or has ever been subject to former section 23882
3302.10 of the Revised Code, as it ~~exists on and after the~~ 23883
~~effective date of this amendment~~ existed prior to the effective 23884
date of this amendment, and has had a majority of its schools 23885

reconstituted or closed under that section. 23886

Sec. 3311.78. Notwithstanding any provision of the Revised 23887
Code to the contrary, a municipal school district shall be subject 23888
to this section instead of sections 3317.13, 3317.14, and 3317.141 23889
of the Revised Code. 23890

(A) As used in this section, "principal" includes an 23891
assistant principal. 23892

(B) The board of education of each municipal school district 23893
annually shall adopt a differentiated salary schedule for teachers 23894
based upon performance as described in division (D) of this 23895
section. The board also annually shall adopt a differentiated 23896
salary schedule for principals based upon performance as described 23897
in division (D) of this section. 23898

For each teacher or principal hired on or after October 1, 23899
2012, the board shall determine the teacher's or principal's 23900
initial placement on the applicable salary schedule based on years 23901
of experience and area of licensure and any other factors the 23902
board considers appropriate. For each teacher hired prior to 23903
October 1, 2012, the board shall initially place the teacher on 23904
the applicable salary schedule so that the teacher's annual salary 23905
on the schedule is comparable to the teacher's annual salary for 23906
the school year immediately prior to the school year covered by 23907
the schedule. For each principal hired prior to October 1, 2012, 23908
the board shall initially place the principal on the applicable 23909
salary schedule consistent with the principal's employment 23910
contract. 23911

(C) The salary of a teacher shall not be reduced unless such 23912
reduction is accomplished as part of a negotiated collective 23913
bargaining agreement. The salary of a principal shall not be 23914
reduced during the term of the principal's employment contract 23915
unless such reduction is by mutual agreement of the board and the 23916

principal or is part of a uniform plan affecting the entire 23917
district. 23918

(D) For purposes of the schedules, the board shall measure a 23919
teacher's or principal's performance by considering all of the 23920
following: 23921

(1) The level of license issued under section 3319.22 of the 23922
Revised Code that the teacher or principal holds; 23923

~~(2) In the case of a teacher, whether the teacher is a 23924
properly certified or licensed teacher, as defined in section 23925
3319.074 of the Revised Code; 23926~~

~~(3) Ratings received by the teacher or principal on 23927
performance evaluations conducted under section 3311.80 or 3311.84 23928
of the Revised Code; 23929~~

~~(4)(3) Any specialized training and experience in the 23930
assigned position. 23931~~

(E) The salary schedules adopted under this section may 23932
provide for additional compensation for teachers or principals who 23933
perform duties, not contracted for under a supplemental contract, 23934
that the board determines warrant additional compensation. Those 23935
duties may include, but are not limited to, assignment to a school 23936
building eligible for funding under Title I of the "Elementary and 23937
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; 23938
assignment to a building in "school improvement" status under the 23939
"No Child Left Behind Act of 2001," as defined in section 3302.01 23940
of the Revised Code; teaching in a grade level or subject area in 23941
which the board has determined there is a shortage within the 23942
district; assignment to a hard-to-staff school, as determined by 23943
the board; or teaching in a school with an extended school day or 23944
school year. 23945

(F) The chief executive officer of the district, or the chief 23946
executive officer's designee, annually shall review the salary of 23947

each teacher and principal and make a recommendation to the board. 23948
Based on the recommendation, the board may increase a teacher's or 23949
principal's salary based on the teacher's or principal's 23950
performance and duties as provided for in divisions (D) and (E) of 23951
this section. The performance-based increase for a teacher or 23952
principal rated as accomplished shall be greater than the 23953
performance-based increase for a teacher or principal rated as 23954
skilled. Notwithstanding division (C) of this section, division 23955
(C) of section 3319.02, and section 3319.12 of the Revised Code, 23956
the board may decrease the teacher's or principal's salary if the 23957
teacher or principal will perform fewer or different duties 23958
described in division (E) of this section in the school year for 23959
which the salary is decreased. 23960

(G) Notwithstanding any provision to the contrary in Chapter 23961
4117. of the Revised Code, the requirements of this section 23962
prevail over any conflicting provisions of a collective bargaining 23963
agreement entered into on or after October 1, 2012. However, the 23964
board and the teachers' labor organization shall negotiate the 23965
implementation of the differentiated salary schedule for teachers 23966
and may negotiate additional factors regarding teacher salaries, 23967
provided those factors are consistent with this section. 23968

Sec. 3311.79. (A) When assigning teachers to schools of a 23969
municipal school district prior to the start of a school year, 23970
teachers may apply for open positions. All applicants shall be 23971
considered. Applicants may be interviewed by a building level team 23972
comprised of the building principal, a representative of the 23973
district teachers' labor organization, a parent, a staff member in 23974
the same job classification as the posted position, and any other 23975
members mutually agreed upon by the principal and the labor 23976
organization representative. When openings occur, the principal 23977
and labor organization representative shall mutually select the 23978
members of the building level team. Interviews by the building 23979

level team shall not be delayed due to the unavailability of duly notified team members. The team shall make recommendations whether to assign a teacher to an open position in the building based on how suitably the teacher's credentials fulfill the needs of the particular school. For this purpose, the building level team shall consider the following credentials:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

(2) The number of subject areas the teacher is licensed to teach;

~~(3) Whether the teacher would be a properly certified or licensed teacher, as defined in section 3319.074 of the Revised Code, in the open position;~~

~~(4)~~ The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;

~~(5)~~(4) Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;

~~(6)~~(5) Any specialized training or experience the teacher possesses that are relevant to the open position;

~~(7)~~(6) Any other credentials established by the district chief executive officer or a building level team.

(B) The building level team shall make its recommendations to the district chief executive officer or the chief executive officer's designee for the chief executive officer's or designee's final approval of the assignment.

(C) In the event that open positions in one or more school buildings have not been filled through the procedures set forth in divisions (A) and (B) of this section, or if the building level team has not been able to reach a consensus on a candidate, by ten

days prior to the first work day for teachers of the school year, 24010
the district chief executive officer or the chief executive 24011
officer's designee shall assign teachers to any of those open 24012
positions based on the best interests of the district. In making 24013
an assignment under this division, the chief executive officer or 24014
the chief executive officer's designee shall take into 24015
consideration all input from the building level team members. 24016

(D) In the event that a position opens after the first 24017
student day of the school year, the building level team interview 24018
and recommendation procedures set forth in divisions (A) and (B) 24019
of this section shall be used to fill the open position. If any 24020
positions remain open, or if the building level team has not been 24021
able to reach a consensus on a candidate, after a reasonable 24022
period of time as determined by the chief executive officer or the 24023
chief executive officer's designee, the chief executive officer or 24024
the chief executive officer's designee shall assign teachers to 24025
any of those open positions based on the best interests of the 24026
district. In making an assignment under this division, the chief 24027
executive officer or the chief executive officer's designee shall 24028
take into consideration all input from the building level team 24029
members. 24030

(E) In the event it becomes necessary to assign, reassign, or 24031
transfer a teacher, whether voluntarily or involuntarily on the 24032
part of the teacher, for the purpose of promoting the best 24033
interests of the district, the chief executive officer or the 24034
chief executive officer's designee shall first meet with the 24035
teacher, the principals of the affected buildings, and a 24036
representative of the district teachers' labor organization. The 24037
assignment, reassignment, or transfer shall not be delayed due to 24038
the unavailability of the meeting participants who have been duly 24039
notified. 24040

(F) The district chief executive officer or a building level 24041

team shall not use seniority or continuing contract status as the 24042
primary factor in determining any teacher's assignment to a 24043
school. 24044

(G) Notwithstanding any provision to the contrary in Chapter 24045
4117. of the Revised Code, the requirements of this section 24046
prevail over any conflicting provisions of a collective bargaining 24047
agreement entered into on or after October 1, 2012. However, the 24048
board and the teachers' labor organization shall negotiate 24049
regarding the implementation of this section, including the 24050
processes by which each building level team conducts its 24051
interviews and makes recommendations, consistent with this 24052
section. 24053

Sec. 3312.01. (A) The educational regional service system is 24054
hereby established. The system shall support state and regional 24055
education initiatives and efforts to improve school effectiveness 24056
and student achievement. Services, including special education and 24057
related services, shall be provided under the system to school 24058
districts, community schools established under Chapter 3314. of 24059
the Revised Code, and chartered nonpublic schools. 24060

It is the intent of the general assembly that the educational 24061
regional service system reduce the unnecessary duplication of 24062
programs and services and provide for a more streamlined and 24063
efficient delivery of educational services without reducing the 24064
availability of the services needed by school districts and 24065
schools. 24066

(B) The educational regional service system shall consist of 24067
the following: 24068

(1) The advisory councils and subcommittees established under 24069
sections 3312.03 and 3312.05 of the Revised Code; 24070

(2) A fiscal agent for each of the regions as configured 24071

under section 3312.02 of the Revised Code;	24072
(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.	24073 24074 24075
(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:	24076 24077 24078 24079 24080
(1) Assistance in improving student performance;	24081
(2) Services to enable a school district or school to operate more efficiently or economically;	24082 24083
(3) Professional development for teachers or administrators;	24084
(4) Assistance in the recruitment and retention of teachers and administrators;	24085 24086
(5) <u>Applying for any state or federal grant on behalf of a school district;</u>	24087 24088
(6) Any other educational, administrative, or operational services.	24089 24090
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	24091 24092 24093 24094 24095 24096
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	24097 24098 24099 24100
(D) <u>An educational service center shall be considered a</u>	24101

school district for the purposes of eligibility in applying for 24102
any state or federal grant. 24103

(E) Information technology centers may enter into agreements 24104
for the provision of services pursuant to section 3312.10 of the 24105
Revised Code. 24106

~~(E)~~(F) No school district, community school, or chartered 24107
nonpublic school shall be required to purchase services from an 24108
educational service center or information technology center in the 24109
region in which the district or school is located, except that a 24110
local school district shall receive any services required by the 24111
Revised Code to be provided by an educational service center to 24112
the local school districts in its territory from the educational 24113
service center in whose territory the district is located. 24114

Sec. 3313.411. (A) As used in this section: 24115

(1) "College-preparatory boarding school" means a 24116
college-preparatory boarding school established under Chapter 24117
3328. of the Revised Code. 24118

(2) "Community school" means a community school established 24119
under Chapter 3314. of the Revised Code. 24120

(3) "High-performing community school" has the same meaning 24121
as in section 3313.413 of the Revised Code. 24122

(4) "STEM school" means a science, technology, engineering, 24123
and mathematics school established under Chapter 3326. of the 24124
Revised Code. 24125

(5) "Unused school facilities" means any real property that 24126
has been used by a school district for school operations, 24127
including, but not limited to, academic instruction or 24128
administration, since July 1, 1998, but has not been used in that 24129
capacity for ~~two years~~ one year. 24130

(B)(1) Except as provided in section 3313.412 of the Revised 24131

Code, on and after June 30, 2011, any school district board of 24132
education shall offer any unused school facilities it owns in its 24133
corporate capacity for lease or sale to the governing authorities 24134
of community schools, the boards of trustees of any 24135
college-preparatory boarding schools, and the governing bodies of 24136
any STEM schools, that are located within the territory of the 24137
district. Not later than sixty days after the district board makes 24138
the offer, interested governing authorities, boards of trustees, 24139
and governing bodies shall notify the district treasurer in 24140
writing of the intention to lease or purchase the property. 24141

The district board shall give priority to the governing 24142
authorities of high-performing community schools that are located 24143
within the territory of the district. 24144

(2) At the same time that a district board makes the offer 24145
required under division (B)(1) of this section, the board also 24146
may, but shall not be required to, offer that property for sale or 24147
lease to the governing authorities of community schools with 24148
plans, stipulated in their contracts entered into under section 24149
3314.03 of the Revised Code, either to relocate their operations 24150
to the territory of the district or to add facilities, as 24151
authorized by division (B)(3) or (4) of section 3314.05 of the 24152
Revised Code, to be located within the territory of the district. 24153

(C)(1) If, not later than sixty days after the district board 24154
makes the offer, only one governing authority of a high-performing 24155
community school offered the property under division (B) of this 24156
section notifies the district treasurer in writing of the 24157
intention to purchase the property pursuant to that division, the 24158
district board shall sell the property to that party for the 24159
appraised fair market value of the property as determined in an 24160
appraisal of the property that is not more than one year old. 24161

If, not later than sixty days after the district board makes 24162
the offer, more than one governing authority of a high-performing 24163

community school offered the property under division (B) of this 24164
section notifies the district treasurer in writing of the 24165
intention to purchase the property pursuant to that division, the 24166
board shall conduct a public auction in the manner required for 24167
auctions of district property under division (A) of section 24168
3313.41 of the Revised Code. Only the governing authorities of 24169
high-performing community schools that notified the district 24170
treasurer of the intention to purchase the property pursuant to 24171
division (B) of this section are eligible to bid at the auction. 24172
The district board is not obligated to accept any bid for the 24173
property that is lower than the appraised fair market value of the 24174
property as determined in an appraisal that is not more than one 24175
year old. 24176

(2) If, not later than sixty days after the district board 24177
makes the offer, no governing authority of a high-performing 24178
community school notifies the district treasurer of its intention 24179
to purchase the property pursuant to division (B) of this section, 24180
the board shall then proceed with the offers from all other 24181
start-up community schools, college-preparatory boarding schools, 24182
and STEM schools made pursuant to that division. 24183

If more than one such entity notifies the district treasurer 24184
of its intention to purchase the property pursuant to division (B) 24185
of this section, the board shall conduct a public auction in the 24186
manner required for auctions of district property under division 24187
(A) of section 3313.41 of the Revised Code. Only the entities that 24188
notified the district treasurer pursuant to division (B) of this 24189
section are eligible to bid at the auction. 24190

(3) If more than one governing authority of a high-performing 24191
community school notifies the district treasurer in writing of the 24192
intention to lease the property pursuant to division (B) of this 24193
section, the district board shall conduct a lottery to select from 24194
among those governing authorities the one qualified governing 24195

authority to which the district board shall lease the property. 24196

If no such governing authority of a high-performing community 24197
school notifies the district treasurer of its intention to lease 24198
the property pursuant to division (B) of this section, the board 24199
shall then proceed with the offers from all other start-up 24200
community schools, college-preparatory boarding schools, and STEM 24201
schools made pursuant to that division. If more than one other 24202
start-up community school, college-preparatory boarding school, or 24203
STEM school notified the district treasurer of its intention to 24204
lease the property pursuant to division (B) of this section, the 24205
district board shall conduct a lottery to select from among those 24206
parties the one qualified party to which the district board shall 24207
lease the property. 24208

(4) The lease price offered by a district board to a 24209
community school, college-preparatory boarding school, or STEM 24210
school under this section shall not be higher than the fair market 24211
value for such a leasehold as determined in an appraisal that is 24212
not more than one year old. 24213

(5) If no qualified party offered the property under division 24214
(B) of this section accepts the offer to lease or buy the property 24215
within sixty days after the offer is made, the district board may 24216
offer the property to any other entity in accordance with 24217
divisions (A) to (F) of section 3313.41 of the Revised Code. 24218

(D) Notwithstanding division (B) of this section, a school 24219
district board may renew any agreement it originally entered into 24220
prior to June 30, 2011, to lease real property to an entity other 24221
than a community school, college-preparatory boarding school, or 24222
STEM school. Nothing in this section shall affect the leasehold 24223
arrangements between the district board and that other entity. 24224

(E)(1) Except as provided in division (E)(2) of this section, 24225
the governing authority of a community school, board of trustees 24226

of a college-preparatory boarding school, or governing body of a 24227
STEM school shall not sell any property purchased under division 24228
(B) of this section within five years of purchasing that property. 24229

(2) The governing authority, board of trustees, or governing 24230
body may sell a property purchased under division (B) of this 24231
section within five years of the purchase, only if the governing 24232
authority, board of trustees, or governing body sells or transfers 24233
that property to another entity described in that division. 24234

Sec. 3313.413. (A) As used in this section, "high-performing 24235
community school" means either of the following: 24236

(1) A community school established under Chapter 3314. of the 24237
Revised Code that meets the following conditions: 24238

(a) Except as provided in division (A)(1)(b) or (c) of this 24239
section, the school both: 24240

(i) Has received a grade of "A," "B," or "C" for the 24241
performance index score under division (C)(1)(b) of section 24242
3302.03 of the Revised Code or has increased its performance index 24243
score under division (C)(1)(b) of section 3302.03 of the Revised 24244
Code in each of the previous three years of operation; and 24245

(ii) Has received a grade of "A" or "B" for the value-added 24246
progress dimension under division (C)(1)(e) of section 3302.03 of 24247
the Revised Code on its most recent report card rating issued 24248
under that section. 24249

(b) If the school serves only grades kindergarten through 24250
three, the school received a grade of "A" or "B" for making 24251
progress in improving literacy in grades kindergarten through 24252
three under division (C)(1)(g) of section 3302.03 of the Revised 24253
Code on its most recent report card issued under that section. 24254

(c) If the school primarily serves students enrolled in a 24255
dropout prevention and recovery program as described in division 24256

(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, the school 24257
received a rating of "exceeds standards" on its most recent report 24258
card issued under section 3314.017 of the Revised Code. 24259

(2) A newly established community school that is implementing 24260
a community school model that has a track record of high-quality 24261
academic performance, as determined by the department of 24262
education. 24263

(B) When a school district board of education decides to 24264
dispose of real property it owns in its corporate capacity under 24265
section 3313.41 of the Revised Code, the board shall first offer 24266
that property to the governing authorities of all start-up 24267
community schools, the boards of trustees of any 24268
college-preparatory boarding schools, and the governing bodies of 24269
any STEM schools that are located within the territory of the 24270
district. Not later than sixty days after the district board makes 24271
the offer, interested governing authorities, boards of trustees, 24272
and governing bodies shall notify the district treasurer in 24273
writing of the intention to purchase the property. 24274

The district board shall give priority to the governing 24275
authorities of high-performing community schools that are located 24276
within the territory of the district. 24277

(1) If more than one governing authority of a high-performing 24278
community school notifies the district treasurer of its intention 24279
to purchase the property pursuant to division (B) of this section, 24280
the board shall conduct a public auction in the manner required 24281
for auctions of district property under division (A) of section 24282
3313.41 of the Revised Code. Only the governing authorities of 24283
high-performing community schools that notified the district 24284
treasurer pursuant to division (B) of this section are eligible to 24285
bid at the auction. 24286

(2) If no governing authority of a high-performing community 24287

school notifies the district treasurer of its intention to 24288
purchase the property pursuant to division (B) of this section, 24289
the board shall then proceed with the offers from all other 24290
start-up community schools, college-preparatory boarding schools, 24291
and STEM schools made pursuant to that division. If more than one 24292
such entity notifies the district treasurer of its intention to 24293
purchase the property pursuant to division (B) of this section, 24294
the board shall conduct a public auction in the manner required 24295
for auctions of district property under division (A) of section 24296
3313.41 of the Revised Code. Only the entities that notified the 24297
district treasurer pursuant to division (B) of this section are 24298
eligible to bid at the auction. 24299

(3) If no governing authority, board of trustees, or 24300
governing body notifies the district treasurer of its intention to 24301
purchase the property pursuant to division (B) of this section, 24302
the district may then offer the property for sale in the manner 24303
prescribed under divisions (A) to (F) of section 3313.41 of the 24304
Revised Code. 24305

(C) Notwithstanding anything to the contrary in sections 24306
3313.41 and 3313.411 of the Revised Code, the purchase price of 24307
any real property sold to any of the entities in accordance with 24308
division (B) of this section shall not be more than the appraised 24309
fair market value of that property as determined in an appraisal 24310
of the property that is not more than one year old. 24311

(D) Not later than the first day of October of each year, the 24312
department of education shall post in a prominent location on its 24313
web site a list of schools that qualify as high-performing 24314
community schools for purposes of this section and section 24315
3313.411 of the Revised Code. 24316

Sec. 3313.5315. Any student from a country or province 24317
outside the United States, who attends an elementary or secondary 24318

school in this state ~~that began operating a dormitory on its~~ 24319
~~campus prior to 2014,~~ shall be permitted to participate in 24320
interscholastic athletics at that school on the same basis as 24321
students who are residents of this state, so long as the student 24322
holds an F-1 visa issued by the United States department of state. 24323
Such a student shall not be denied the opportunity to participate 24324
in interscholastic athletics solely because the student's parents 24325
do not reside in this state. 24326

No school district, school, interscholastic conference, or 24327
organization that regulates interscholastic conferences or events 24328
shall have a rule, bylaw, or other regulation that conflicts with 24329
this section. 24330

Sec. 3313.5316. A city, local, or exempted village school 24331
district, interscholastic conference, or organization that 24332
regulates interscholastic athletics shall have the same pupil 24333
transfer rules for public schools and nonpublic schools. 24334

No district, interscholastic conference, or organization that 24335
regulates interscholastic athletics shall adopt a rule, bylaw, or 24336
other regulation contrary to this section. 24337

Sec. 3313.603. (A) As used in this section: 24338

(1) "One unit" means a minimum of one hundred twenty hours of 24339
course instruction, except that for a laboratory course, "one 24340
unit" means a minimum of one hundred fifty hours of course 24341
instruction. 24342

(2) "One-half unit" means a minimum of sixty hours of course 24343
instruction, except that for physical education courses, "one-half 24344
unit" means a minimum of one hundred twenty hours of course 24345
instruction. 24346

(B) Beginning September 15, 2001, except as required in 24347

division (C) of this section and division (C) of section 3313.614	24348
of the Revised Code, the requirements for graduation from every	24349
high school shall include twenty units earned in grades nine	24350
through twelve and shall be distributed as follows:	24351
(1) English language arts, four units;	24352
(2) Health, one-half unit;	24353
(3) Mathematics, three units;	24354
(4) Physical education, one-half unit;	24355
(5) Science, two units until September 15, 2003, and three	24356
units thereafter, which at all times shall include both of the	24357
following:	24358
(a) Biological sciences, one unit;	24359
(b) Physical sciences, one unit.	24360
(6) History and government, one unit, which shall comply with	24361
division (M) of this section and shall include both of the	24362
following:	24363
(a) American history, one-half unit;	24364
(b) American government, one-half unit.	24365
(7) Social studies, two units.	24366
Beginning with students who enter ninth grade for the first	24367
time on or after July 1, 2017, the two units of instruction	24368
prescribed by division (B)(7) of this section shall include at	24369
least one-half unit of instruction in the study of world history	24370
and civilizations.	24371
(8) Elective units, seven units until September 15, 2003, and	24372
six units thereafter.	24373
Each student's electives shall include at least one unit, or	24374
two half units, chosen from among the areas of	24375
business/technology, fine arts, and/or foreign language.	24376

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory	24408
experience that engages students in asking valid scientific	24409
questions and gathering and analyzing information, which shall	24410
include the following, or their equivalent:	24411
(a) Physical sciences, one unit;	24412
(b) Life sciences, one unit;	24413
(c) Advanced study in one or more of the following sciences,	24414
one unit:	24415
(i) Chemistry, physics, or other physical science;	24416
(ii) Advanced biology or other life science;	24417
(iii) Astronomy, physical geology, or other earth or space	24418
science;	24419
(iv) Computer science.	24420
No student shall substitute a computer science course for a	24421
life sciences or biology course under division (C)(5) of this	24422
section.	24423
(6) History and government, one unit, which shall comply with	24424
division (M) of this section and shall include both of the	24425
following:	24426
(a) American history, one-half unit;	24427
(b) American government, one-half unit.	24428
(7) Social studies, two units.	24429
Each school shall integrate the study of economics and	24430
financial literacy, as expressed in the social studies academic	24431
content standards adopted by the state board of education under	24432
division (A)(1) of section 3301.079 of the Revised Code and the	24433
academic content standards for financial literacy and	24434
entrepreneurship adopted under division (A)(2) of that section,	24435
into one or more existing social studies credits required under	24436

division (C)(7) of this section, or into the content of another 24437
class, so that every high school student receives instruction in 24438
those concepts. In developing the curriculum required by this 24439
paragraph, schools shall use available public-private partnerships 24440
and resources and materials that exist in business, industry, and 24441
through the centers for economics education at institutions of 24442
higher education in the state. 24443

Beginning with students who enter ninth grade for the first 24444
time on or after July 1, 2017, the two units of instruction 24445
prescribed by division (C)(7) of this section shall include at 24446
least one-half unit of instruction in the study of world history 24447
and civilizations. 24448

(8) Five units consisting of one or any combination of 24449
foreign language, fine arts, business, career-technical education, 24450
family and consumer sciences, technology which may include 24451
computer science, agricultural education, a junior reserve officer 24452
training corps (JROTC) program approved by the congress of the 24453
United States under title 10 of the United States Code, or English 24454
language arts, mathematics, science, or social studies courses not 24455
otherwise required under division (C) of this section. 24456

Ohioans must be prepared to apply increased knowledge and 24457
skills in the workplace and to adapt their knowledge and skills 24458
quickly to meet the rapidly changing conditions of the 24459
twenty-first century. National studies indicate that all high 24460
school graduates need the same academic foundation, regardless of 24461
the opportunities they pursue after graduation. The goal of Ohio's 24462
system of elementary and secondary education is to prepare all 24463
students for and seamlessly connect all students to success in 24464
life beyond high school graduation, regardless of whether the next 24465
step is entering the workforce, beginning an apprenticeship, 24466
engaging in post-secondary training, serving in the military, or 24467
pursuing a college degree. 24468

The requirements for graduation prescribed in division (C) of 24469
this section are the standard expectation for all students 24470
entering ninth grade for the first time at a public or chartered 24471
nonpublic high school on or after July 1, 2010. A student may 24472
satisfy this expectation through a variety of methods, including, 24473
but not limited to, integrated, applied, career-technical, and 24474
traditional coursework. 24475

Stronger coordination between high schools and institutions 24476
of higher education is necessary to prepare students for more 24477
challenging academic endeavors and to lessen the need for academic 24478
remediation in college, thereby reducing the costs of higher 24479
education for Ohio's students, families, and the state. The state 24480
board and the chancellor of higher education shall develop 24481
policies to ensure that only in rare instances will students who 24482
complete the requirements for graduation prescribed in division 24483
(C) of this section require academic remediation after high 24484
school. 24485

School districts, community schools, and chartered nonpublic 24486
schools shall integrate technology into learning experiences 24487
across the curriculum in order to maximize efficiency, enhance 24488
learning, and prepare students for success in the 24489
technology-driven twenty-first century. Districts and schools 24490
shall use distance and web-based course delivery as a method of 24491
providing or augmenting all instruction required under this 24492
division, including laboratory experience in science. Districts 24493
and schools shall utilize technology access and electronic 24494
learning opportunities provided by the broadcast educational media 24495
commission, chancellor, the Ohio learning network, education 24496
technology centers, public television stations, and other public 24497
and private providers. 24498

(D) Except as provided in division (E) of this section, a 24499
student who enters ninth grade on or after July 1, 2010, and 24500

before July 1, 2016, may qualify for graduation from a public or 24501
chartered nonpublic high school even though the student has not 24502
completed the requirements for graduation prescribed in division 24503
(C) of this section if all of the following conditions are 24504
satisfied: 24505

(1) During the student's third year of attending high school, 24506
as determined by the school, the student and the student's parent, 24507
guardian, or custodian sign and file with the school a written 24508
statement asserting the parent's, guardian's, or custodian's 24509
consent to the student's graduating without completing the 24510
requirements for graduation prescribed in division (C) of this 24511
section and acknowledging that one consequence of not completing 24512
those requirements is ineligibility to enroll in most state 24513
universities in Ohio without further coursework. 24514

(2) The student and parent, guardian, or custodian fulfill 24515
any procedural requirements the school stipulates to ensure the 24516
student's and parent's, guardian's, or custodian's informed 24517
consent and to facilitate orderly filing of statements under 24518
division (D)(1) of this section. Annually, each district or school 24519
shall notify the department of the number of students who choose 24520
to qualify for graduation under division (D) of this section and 24521
the number of students who complete the student's success plan and 24522
graduate from high school. 24523

(3) The student and the student's parent, guardian, or 24524
custodian and a representative of the student's high school 24525
jointly develop a student success plan for the student in the 24526
manner described in division (C)(1) of section 3313.6020 of the 24527
Revised Code that specifies the student matriculating to a 24528
two-year degree program, acquiring a business and 24529
industry-recognized credential, or entering an apprenticeship. 24530

(4) The student's high school provides counseling and support 24531
for the student related to the plan developed under division 24532

(D)(3) of this section during the remainder of the student's high school experience. 24533
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(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 24535
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(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows: 24538
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(i) Mathematics, four units, one unit which shall be one of the following: 24542
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(I) Probability and statistics; 24544

(II) Computer science; 24545

(III) Applied mathematics or quantitative reasoning; 24546

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014. 24547
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(ii) Elective units, five units; 24550

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information. 24551
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The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the 24555
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senate, the chairpersons and ranking minority members of the 24563
standing committees of the house of representatives and the senate 24564
that consider education legislation, the state board of education, 24565
and the superintendent of public instruction. 24566

(E) Each school district and chartered nonpublic school 24567
retains the authority to require an even more challenging minimum 24568
curriculum for high school graduation than specified in division 24569
(B) or (C) of this section. A school district board of education, 24570
through the adoption of a resolution, or the governing authority 24571
of a chartered nonpublic school may stipulate any of the 24572
following: 24573

(1) A minimum high school curriculum that requires more than 24574
twenty units of academic credit to graduate; 24575

(2) An exception to the district's or school's minimum high 24576
school curriculum that is comparable to the exception provided in 24577
division (D) of this section but with additional requirements, 24578
which may include a requirement that the student successfully 24579
complete more than the minimum curriculum prescribed in division 24580
(B) of this section; 24581

(3) That no exception comparable to that provided in division 24582
(D) of this section is available. 24583

If a school district or chartered nonpublic school requires a 24584
foreign language as an additional graduation requirement under 24585
division (E) of this section, a student may apply one unit of 24586
instruction in computer coding to satisfy one unit of foreign 24587
language. If a student applies more than one computer coding 24588
course to satisfy the foreign language requirement, the courses 24589
shall be sequential and progressively more difficult. 24590

(F) A student enrolled in a dropout prevention and recovery 24591
program, which program has received a waiver from the department, 24592
may qualify for graduation from high school by successfully 24593

completing a competency-based instructional program administered 24594
by the dropout prevention and recovery program in lieu of 24595
completing the requirements for graduation prescribed in division 24596
(C) of this section. The department shall grant a waiver to a 24597
dropout prevention and recovery program, within sixty days after 24598
the program applies for the waiver, if the program meets all of 24599
the following conditions: 24600

(1) The program serves only students not younger than sixteen 24601
years of age and not older than twenty-one years of age. 24602

(2) The program enrolls students who, at the time of their 24603
initial enrollment, either, or both, are at least one grade level 24604
behind their cohort age groups or experience crises that 24605
significantly interfere with their academic progress such that 24606
they are prevented from continuing their traditional programs. 24607

(3) The program requires students to attain at least the 24608
applicable score designated for each of the assessments prescribed 24609
under division (B)(1) of section 3301.0710 of the Revised Code or, 24610
to the extent prescribed by rule of the state board under division 24611
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 24612
of that section. 24613

(4) The program develops a student success plan for the 24614
student in the manner described in division (C)(1) of section 24615
3313.6020 of the Revised Code that specifies the student's 24616
matriculating to a two-year degree program, acquiring a business 24617
and industry-recognized credential, or entering an apprenticeship. 24618

(5) The program provides counseling and support for the 24619
student related to the plan developed under division (F)(4) of 24620
this section during the remainder of the student's high school 24621
experience. 24622

(6) The program requires the student and the student's 24623
parent, guardian, or custodian to sign and file, in accordance 24624

with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation

requirements of division (B) or (C) of this section if the 24656
advanced work was both: 24657

(1) Taught by a person who possesses a license or certificate 24658
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 24659
Code that is valid for teaching high school; 24660

(2) Designated by the board of education of the city, local, 24661
or exempted village school district, the board of the cooperative 24662
education school district, or the governing authority of the 24663
chartered nonpublic school as meeting the high school curriculum 24664
requirements. 24665

Each high school shall record on the student's high school 24666
transcript all high school credit awarded under division (G) of 24667
this section. In addition, if the student completed a seventh- or 24668
eighth-grade fine arts course described in division (K) of this 24669
section and the course qualified for high school credit under that 24670
division, the high school shall record that course on the 24671
student's high school transcript. 24672

(H) The department shall make its individual academic career 24673
plan available through its Ohio career information system web site 24674
for districts and schools to use as a tool for communicating with 24675
and providing guidance to students and families in selecting high 24676
school courses. 24677

(I) A school district or chartered nonpublic school may 24678
integrate academic content in a subject area for which the state 24679
board has adopted standards under section 3301.079 of the Revised 24680
Code into a course in a different subject area, including a 24681
career-technical education course, in accordance with guidance for 24682
integrated coursework developed by the department. Upon successful 24683
completion of an integrated course, a student may receive credit 24684
for both subject areas that were integrated into the course. Units 24685
earned for subject area content delivered through integrated 24686

academic and career-technical instruction are eligible to meet the 24687
graduation requirements of division (B) or (C) of this section. 24688

For purposes of meeting graduation requirements, if an 24689
end-of-course examination has been prescribed under section 24690
3301.0712 of the Revised Code for the subject area delivered 24691
through integrated instruction, the school district or school may 24692
administer the related subject area examinations upon the 24693
student's completion of the integrated course. 24694

Nothing in division (I) of this section shall be construed to 24695
excuse any school district, chartered nonpublic school, or student 24696
from any requirement in the Revised Code related to curriculum, 24697
assessments, or the awarding of a high school diploma. 24698

(J)(1) The state board, in consultation with the chancellor, 24699
shall adopt a statewide plan implementing methods for students to 24700
earn units of high school credit based on a demonstration of 24701
subject area competency, instead of or in combination with 24702
completing hours of classroom instruction. The state board shall 24703
adopt the plan not later than March 31, 2009, and commence phasing 24704
in the plan during the 2009-2010 school year. The plan shall 24705
include a standard method for recording demonstrated proficiency 24706
on high school transcripts. Each school district and community 24707
school shall comply with the state board's plan adopted under this 24708
division and award units of high school credit in accordance with 24709
the plan. The state board may adopt existing methods for earning 24710
high school credit based on a demonstration of subject area 24711
competency as necessary prior to the 2009-2010 school year. 24712

(2) Not later than December 31, 2015, the state board shall 24713
update the statewide plan adopted pursuant to division (J)(1) of 24714
this section to also include methods for students enrolled in 24715
seventh and eighth grade to meet curriculum requirements based on 24716
a demonstration of subject area competency, instead of or in 24717
combination with completing hours of classroom instruction. 24718

Beginning with the 2017-2018 school year, each school district and 24719
community school also shall comply with the updated plan adopted 24720
pursuant to this division and permit students enrolled in seventh 24721
and eighth grade to meet curriculum requirements based on subject 24722
area competency in accordance with the plan. 24723

(3) Not later than December 31, 2017, the department shall 24724
develop a framework for school districts and community schools to 24725
use in granting units of high school credit to students who 24726
demonstrate subject area competency through work-based learning 24727
experiences, internships, or cooperative education. Beginning with 24728
the 2018-2019 school year, each district and community school 24729
shall comply with the framework. Each district and community 24730
school also shall review any policy it has adopted regarding the 24731
demonstration of subject area competency to identify ways to 24732
incorporate work-based learning experiences, internships, and 24733
cooperative education into the policy in order to increase student 24734
engagement and opportunities to earn units of high school credit. 24735

(K) This division does not apply to students who qualify for 24736
graduation from high school under division (D) or (F) of this 24737
section, or to students pursuing a career-technical instructional 24738
track as determined by the school district board of education or 24739
the chartered nonpublic school's governing authority. 24740
Nevertheless, the general assembly encourages such students to 24741
consider enrolling in a fine arts course as an elective. 24742

Beginning with students who enter ninth grade for the first 24743
time on or after July 1, 2010, each student enrolled in a public 24744
or chartered nonpublic high school shall complete two semesters or 24745
the equivalent of fine arts to graduate from high school. The 24746
coursework may be completed in any of grades seven to twelve. Each 24747
student who completes a fine arts course in grade seven or eight 24748
may elect to count that course toward the five units of electives 24749
required for graduation under division (C)(8) of this section, if 24750

the course satisfied the requirements of division (G) of this 24751
section. In that case, the high school shall award the student 24752
high school credit for the course and count the course toward the 24753
five units required under division (C)(8) of this section. If the 24754
course in grade seven or eight did not satisfy the requirements of 24755
division (G) of this section, the high school shall not award the 24756
student high school credit for the course but shall count the 24757
course toward the two semesters or the equivalent of fine arts 24758
required by this division. 24759

(L) Notwithstanding anything to the contrary in this section, 24760
the board of education of each school district and the governing 24761
authority of each chartered nonpublic school may adopt a policy to 24762
excuse from the high school physical education requirement each 24763
student who, during high school, has participated in 24764
interscholastic athletics, marching band, or cheerleading for at 24765
least two full seasons or in the junior reserve officer training 24766
corps for at least two full school years. If the board or 24767
authority adopts such a policy, the board or authority shall not 24768
require the student to complete any physical education course as a 24769
condition to graduate. However, the student shall be required to 24770
complete one-half unit, consisting of at least sixty hours of 24771
instruction, in another course of study. In the case of a student 24772
who has participated in the junior reserve officer training corps 24773
for at least two full school years, credit received for that 24774
participation may be used to satisfy the requirement to complete 24775
one-half unit in another course of study. 24776

(M) It is important that high school students learn and 24777
understand United States history and the governments of both the 24778
United States and the state of Ohio. Therefore, beginning with 24779
students who enter ninth grade for the first time on or after July 24780
1, 2012, the study of American history and American government 24781
required by divisions (B)(6) and (C)(6) of this section shall 24782

include the study of all of the following documents:	24783
(1) The Declaration of Independence;	24784
(2) The Northwest Ordinance;	24785
(3) The Constitution of the United States with emphasis on the Bill of Rights;	24786 24787
(4) The Ohio Constitution.	24788
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	24789 24790 24791
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	24792 24793 24794 24795 24796 24797
(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.	24798 24799 24800 24801 24802 24803 24804 24805 24806
If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.	24807 24808 24809 24810
Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June	24811 24812

30, 2013, unless the student is excused under division (C) of 24813
section 3301.0711 of the Revised Code from taking the assessment 24814
described in this section, for any student who does not attain at 24815
least the equivalent level of achievement designated under 24816
division (A)(3) of section 3301.0710 of the Revised Code on the 24817
assessment prescribed under that section to measure skill in 24818
English language arts expected at the end of third grade, each 24819
school district, in accordance with the policy adopted under 24820
section 3313.609 of the Revised Code, shall do one of the 24821
following: 24822

(a) Promote the student to fourth grade if the student's 24823
principal and reading teacher agree that other evaluations of the 24824
student's skill in reading demonstrate that the student is 24825
academically prepared to be promoted to fourth grade; 24826

(b) Promote the student to fourth grade but provide the 24827
student with intensive intervention services in fourth grade; 24828

(c) Retain the student in third grade. 24829

(2) Beginning with students who enter third grade in the 24830
2013-2014 school year, unless the student is excused under 24831
division (C) of section 3301.0711 of the Revised Code from taking 24832
the assessment described in this section, no school district shall 24833
promote to fourth grade any student who does not attain at least 24834
the equivalent level of achievement designated under division 24835
(A)(3) of section 3301.0710 of the Revised Code on the assessment 24836
prescribed under that section to measure skill in English language 24837
arts expected at the end of third grade, unless one of the 24838
following applies: 24839

(a) The student is ~~a limited~~ an English ~~proficient~~ student 24840
learner who has been enrolled in United States schools for less 24841
than three full school years and has had less than three years of 24842
instruction in an English as a second language program. 24843

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.	24844 24845 24846 24847
(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.	24848 24849 24850
(d) All of the following apply:	24851
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	24852 24853 24854
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	24855 24856 24857
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	24858 24859 24860 24861 24862
(iv) The student previously was retained in any of grades kindergarten to three.	24863 24864
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	24865 24866 24867 24868
(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the	24869 24870 24871 24872 24873

student that have been successful in improving reading among 24874
low-performing readers. 24875

(B)(1) Beginning in the 2012-2013 school year, to assist 24876
students in meeting the third grade guarantee established by this 24877
section, each school district board of education shall adopt 24878
policies and procedures with which it annually shall assess the 24879
reading skills of each student, except those students with 24880
significant cognitive disabilities or other disabilities as 24881
authorized by the department on a case-by-case basis, enrolled in 24882
kindergarten to third grade and shall identify students who are 24883
reading below their grade level. The reading skills assessment 24884
shall be completed by the thirtieth day of September for students 24885
in grades one to three, and by the first day of November for 24886
students in kindergarten. Each district shall use the diagnostic 24887
assessment to measure reading ability for the appropriate grade 24888
level adopted under section 3301.079 of the Revised Code, or a 24889
comparable tool approved by the department of education, to 24890
identify such students. The policies and procedures shall require 24891
the students' classroom teachers to be involved in the assessment 24892
and the identification of students reading below grade level. The 24893
assessment may be administered electronically using live, two-way 24894
video and audio connections whereby the teacher administering the 24895
assessment may be in a separate location from the student. 24896

(2) For each student identified by the diagnostic assessment 24897
prescribed under this section as having reading skills below grade 24898
level, the district shall do both of the following: 24899

(a) Provide to the student's parent or guardian, in writing, 24900
all of the following: 24901

(i) Notification that the student has been identified as 24902
having a substantial deficiency in reading; 24903

(ii) A description of the current services that are provided 24904

to the student; 24905

(iii) A description of the proposed supplemental 24906
instructional services and supports that will be provided to the 24907
student that are designed to remediate the identified areas of 24908
reading deficiency; 24909

(iv) Notification that if the student attains a score in the 24910
range designated under division (A)(3) of section 3301.0710 of the 24911
Revised Code on the assessment prescribed under that section to 24912
measure skill in English language arts expected at the end of 24913
third grade, the student shall be retained unless the student is 24914
exempt under division (A) of this section. The notification shall 24915
specify that the assessment under section 3301.0710 of the Revised 24916
Code is not the sole determinant of promotion and that additional 24917
evaluations and assessments are available to the student to assist 24918
parents and the district in knowing when a student is reading at 24919
or above grade level and ready for promotion. 24920

(b) Provide intensive reading instruction services and 24921
regular diagnostic assessments to the student immediately 24922
following identification of a reading deficiency until the 24923
development of the reading improvement and monitoring plan 24924
required by division (C) of this section. These intervention 24925
services shall include research-based reading strategies that have 24926
been shown to be successful in improving reading among 24927
low-performing readers and instruction targeted at the student's 24928
identified reading deficiencies. 24929

(3) For each student retained under division (A) of this 24930
section, the district shall do all of the following: 24931

(a) Provide intense remediation services until the student is 24932
able to read at grade level. The remediation services shall 24933
include intensive interventions in reading that address the areas 24934
of deficiencies identified under this section including, but not 24935

limited to, not less than ninety minutes of reading instruction	24936
per day, and may include any of the following:	24937
(i) Small group instruction;	24938
(ii) Reduced teacher-student ratios;	24939
(iii) More frequent progress monitoring;	24940
(iv) Tutoring or mentoring;	24941
(v) Transition classes containing third and fourth grade students;	24942 24943
(vi) Extended school day, week, or year;	24944
(vii) Summer reading camps.	24945
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	24946 24947 24948
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	24949 24950
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	24951 24952 24953 24954 24955 24956 24957 24958
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	24959 24960 24961 24962 24963
As used in this division, "specific academic ability field"	24964

has the same meaning as in section 3324.01 of the Revised Code.	24965
(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:	24966 24967 24968 24969 24970 24971 24972 24973
(1) Identification of the student's specific reading deficiencies;	24974 24975
(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;	24976 24977 24978
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;	24979 24980 24981
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;	24982 24983 24984
(5) A reading curriculum during regular school hours that does all of the following:	24985 24986
(a) Assists students to read at grade level;	24987
(b) Provides scientifically based and reliable assessment;	24988
(c) Provides initial and ongoing analysis of each student's reading progress.	24989 24990
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language	24991 24992 24993 24994

arts expected by the end of third grade, the student may be 24995
retained in third grade. 24996

Each student with a reading improvement and monitoring plan 24997
under this division who enters third grade after July 1, 2013, 24998
shall be assigned to a teacher who satisfies one or more of the 24999
criteria set forth in division (H) of this section. 25000

The district shall report any information requested by the 25001
department about the reading improvement monitoring plans 25002
developed under this division in the manner required by the 25003
department. 25004

(D) Each school district shall report annually to the 25005
department on its implementation and compliance with this section 25006
using guidelines prescribed by the superintendent of public 25007
instruction. The superintendent of public instruction annually 25008
shall report to the governor and general assembly the number and 25009
percentage of students in grades kindergarten through four reading 25010
below grade level based on the diagnostic assessments administered 25011
under division (B) of this section and the achievement assessments 25012
administered under divisions (A)(1)(a) and (b) of section 25013
3301.0710 of the Revised Code in English language arts, aggregated 25014
by school district and building; the types of intervention 25015
services provided to students; and, if available, an evaluation of 25016
the efficacy of the intervention services provided. 25017

(E) Any summer remediation services funded in whole or in 25018
part by the state and offered by school districts to students 25019
under this section shall meet the following conditions: 25020

(1) The remediation methods are based on reliable educational 25021
research. 25022

(2) The school districts conduct assessment before and after 25023
students participate in the program to facilitate monitoring 25024
results of the remediation services. 25025

(3) The parents of participating students are involved in programming decisions.	25026 25027
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	25028 25029 25030
(G) This section does not create a new cause of action or a substantive legal right for any person.	25031 25032
(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	25033 25034 25035 25036 25037 25038
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	25039 25040 25041
(b) The teacher has completed a master's degree program with a major in reading.	25042 25043
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	25044 25045 25046 25047 25048 25049
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	25050 25051 25052
(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.	25053 25054 25055

(f) The teacher holds an educator license for teaching grades 25056
pre-kindergarten through three or four through nine issued on or 25057
after July 1, 2017. 25058

(2) Notwithstanding division (H)(1) of this section, a 25059
student described in division (B)(3) or (C) of this section who 25060
enters third grade for the first time on or after July 1, 2013, 25061
may be assigned to a teacher with less than one year of teaching 25062
experience provided that the teacher meets one or more of the 25063
criteria described in divisions (H)(1)(a) to (f) of this section 25064
and that teacher is assigned a teacher mentor who meets the 25065
qualifications of division (H)(1) of this section. 25066

(3) Notwithstanding division (H)(1) of this section, a 25067
student described in division (B)(3) or (C) of this section who 25068
enters third grade for the first time on or after July 1, 2013, 25069
but prior to July 1, 2016, may be assigned to a teacher who holds 25070
an alternative credential approved by the department or who has 25071
successfully completed training that is based on principles of 25072
scientifically research-based reading instruction that has been 25073
approved by the department. Beginning on July 1, 2014, the 25074
alternative credentials and training described in division (H)(3) 25075
of this section shall be aligned with the reading competencies 25076
adopted by the state board of education under section 3301.077 of 25077
the Revised Code. 25078

(4) Notwithstanding division (H)(1) of this section, a 25079
student described in division (B)(3) or (C) of this section who 25080
enters third grade for the first time on or after July 1, 2013, 25081
may receive reading intervention or remediation services under 25082
this section from an individual employed as a speech-language 25083
pathologist who holds a license issued by the state speech and 25084
hearing professionals board under Chapter 4753. of the Revised 25085
Code and a professional pupil services license as a school 25086
speech-language pathologist issued by the state board of 25087

education. 25088

(5) A teacher, other than a student's teacher of record, may 25089
provide any services required under this section, so long as that 25090
other teacher meets the requirements of division (H) of this 25091
section and the teacher of record and the school principal agree 25092
to the assignment. Any such assignment shall be documented in the 25093
student's reading improvement and monitoring plan. 25094

As used in this division, "teacher of record" means the 25095
classroom teacher to whom a student is assigned. 25096

(I) Notwithstanding division (H) of this section, a teacher 25097
may teach reading to any student who is an English language 25098
learner, and has been in the United States for three years or 25099
less, or to a student who has an individualized education program 25100
developed under Chapter 3323. of the Revised Code if that teacher 25101
holds an alternative credential approved by the department or has 25102
successfully completed training that is based on principles of 25103
scientifically research-based reading instruction that has been 25104
approved by the department. Beginning on July 1, 2014, the 25105
alternative credentials and training described in this division 25106
shall be aligned with the reading competencies adopted by the 25107
state board of education under section 3301.077 of the Revised 25108
Code. 25109

(J) If, on or after June 4, 2013, a school district or 25110
community school cannot furnish the number of teachers needed who 25111
satisfy one or more of the criteria set forth in division (H) of 25112
this section for the 2013-2014 school year, the school district or 25113
community school shall develop and submit a staffing plan by June 25114
30, 2013. The staffing plan shall include criteria that will be 25115
used to assign a student described in division (B)(3) or (C) of 25116
this section to a teacher, credentials or training held by 25117
teachers currently teaching at the school, and how the school 25118
district or community school will meet the requirements of this 25119

section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 school year, each school district shall report to the department of education, in the manner prescribed by the department, the types of prevention-focused programs, services, and supports used to assist students in developing the knowledge and skills to engage in healthy behaviors and decision-making and to increase their awareness of the dangers and consequences of risky

<u>behaviors, including substance abuse, suicide, bullying, and other</u>	25151
<u>harmful behaviors. The district shall report the following</u>	25152
<u>information regarding such programs, services, and supports for</u>	25153
<u>each building operated by the district and for each of grades</u>	25154
<u>kindergarten through twelve served by the building:</u>	25155
<u>(1) Curriculum and instruction provided during the school</u>	25156
<u>day;</u>	25157
<u>(2) Programs and supports provided outside of the classroom</u>	25158
<u>or outside of the school day;</u>	25159
<u>(3) Professional development for teachers, administrators,</u>	25160
<u>and other staff;</u>	25161
<u>(4) Partnerships with community coalitions and organizations</u>	25162
<u>to provide prevention services and resources to students and their</u>	25163
<u>families;</u>	25164
<u>(5) School efforts to engage parents and the community;</u>	25165
<u>(6) Activities designed to communicate with and learn from</u>	25166
<u>other schools or professionals with expertise in prevention</u>	25167
<u>education.</u>	25168
<u>(B) The department may use information reported under this</u>	25169
<u>section, and any other information collected by the department</u>	25170
<u>pursuant to law, as a factor in the distribution of any funding</u>	25171
<u>available for prevention-focused programs, services, and supports.</u>	25172
Sec. 3313.61. (A) A diploma shall be granted by the board of	25173
education of any city, exempted village, or local school district	25174
that operates a high school to any person to whom all of the	25175
following apply:	25176
(1) The person has successfully completed the curriculum in	25177
any high school or the individualized education program developed	25178
for the person by any high school pursuant to section 3323.08 of	25179

the Revised Code, or has qualified under division (D) or (F) of 25180
section 3313.603 of the Revised Code, provided that no school 25181
district shall require a student to remain in school for any 25182
specific number of semesters or other terms if the student 25183
completes the required curriculum early; 25184

(2) Subject to section 3313.614 of the Revised Code, the 25185
person has met the assessment requirements of division (A)(2)(a) 25186
or (b) of this section, as applicable. 25187

(a) If the person entered the ninth grade prior to July 1, 25188
2014, the person either: 25189

(i) Has attained at least the applicable scores designated 25190
under division (B)(1) of section 3301.0710 of the Revised Code on 25191
all the assessments required by that division unless the person 25192
was excused from taking any such assessment pursuant to section 25193
3313.532 of the Revised Code or unless division (H) or (L) of this 25194
section applies to the person; 25195

(ii) Has satisfied the alternative conditions prescribed in 25196
section 3313.615 of the Revised Code. 25197

(b) If the person entered the ninth grade on or after July 1, 25198
2014, the person has met the requirement prescribed by section 25199
3313.618 of the Revised Code, except to the extent that the person 25200
is excused from an assessment prescribed by that section pursuant 25201
to section 3313.532 of the Revised Code or division (H) or (L) of 25202
this section. 25203

(3) The person is not eligible to receive an honors diploma 25204
granted pursuant to division (B) of this section. 25205

Except as provided in divisions (C), (E), (J), and (L) of 25206
this section, no diploma shall be granted under this division to 25207
anyone except as provided under this division. 25208

(B) In lieu of a diploma granted under division (A) of this 25209

section, an honors diploma shall be granted, in accordance with 25210
rules of the state board, by any such district board to anyone who 25211
accomplishes all of the following: 25212

(1) Successfully completes the curriculum in any high school 25213
or the individualized education program developed for the person 25214
by any high school pursuant to section 3323.08 of the Revised 25215
Code; 25216

(2) Subject to section 3313.614 of the Revised Code, has met 25217
the assessment requirements of division (B)(2)(a) or (b) of this 25218
section, as applicable. 25219

(a) If the person entered the ninth grade prior to July 1, 25220
2014, the person either: 25221

(i) Has attained at least the applicable scores designated 25222
under division (B)(1) of section 3301.0710 of the Revised Code on 25223
all the assessments required by that division; 25224

(ii) Has satisfied the alternative conditions prescribed in 25225
section 3313.615 of the Revised Code. 25226

(b) If the person entered the ninth grade on or after July 1, 25227
2014, the person has met the requirement prescribed under section 25228
3313.618 of the Revised Code. 25229

(3) Has met additional criteria established by the state 25230
board for the granting of such a diploma. 25231

An honors diploma shall not be granted to a student who is 25232
subject to the requirements prescribed in division (C) of section 25233
3313.603 of the Revised Code but elects the option of division (D) 25234
or (F) of that section. Except as provided in divisions (C), (E), 25235
and (J) of this section, no honors diploma shall be granted to 25236
anyone failing to comply with this division and no more than one 25237
honors diploma shall be granted to any student under this 25238
division. 25239

The state board shall adopt rules prescribing the granting of 25240
honors diplomas under this division. These rules may prescribe the 25241
granting of honors diplomas that recognize a student's achievement 25242
as a whole or that recognize a student's achievement in one or 25243
more specific subjects or both. The rules may prescribe the 25244
granting of an honors diploma recognizing technical expertise for 25245
a career-technical student. In any case, the rules shall designate 25246
two or more criteria for the granting of each type of honors 25247
diploma the board establishes under this division and the number 25248
of such criteria that must be met for the granting of that type of 25249
diploma. The number of such criteria for any type of honors 25250
diploma shall be at least one less than the total number of 25251
criteria designated for that type and no one or more particular 25252
criteria shall be required of all persons who are to be granted 25253
that type of diploma. 25254

(C) Any district board administering any of the assessments 25255
required by section 3301.0710 of the Revised Code to any person 25256
requesting to take such assessment pursuant to division (B)(8)(b) 25257
of section 3301.0711 of the Revised Code shall award a diploma to 25258
such person if the person attains at least the applicable scores 25259
designated under division (B)(1) of section 3301.0710 of the 25260
Revised Code on all the assessments administered and if the person 25261
has previously attained the applicable scores on all the other 25262
assessments required by division (B)(1) of that section or has 25263
been exempted or excused from attaining the applicable score on 25264
any such assessment pursuant to division (H) or (L) of this 25265
section or from taking any such assessment pursuant to section 25266
3313.532 of the Revised Code. 25267

(D) Each diploma awarded under this section shall be signed 25268
by the president and treasurer of the issuing board, the 25269
superintendent of schools, and the principal of the high school. 25270
Each diploma shall bear the date of its issue, be in such form as 25271

the district board prescribes, and be paid for out of the 25272
district's general fund. 25273

(E) A person who is a resident of Ohio and is eligible under 25274
state board of education minimum standards to receive a high 25275
school diploma based in whole or in part on credits earned while 25276
an inmate of a correctional institution operated by the state or 25277
any political subdivision thereof, shall be granted such diploma 25278
by the correctional institution operating the programs in which 25279
such credits were earned, and by the board of education of the 25280
school district in which the inmate resided immediately prior to 25281
the inmate's placement in the institution. The diploma granted by 25282
the correctional institution shall be signed by the director of 25283
the institution, and by the person serving as principal of the 25284
institution's high school and shall bear the date of issue. 25285

(F) Persons who are not residents of Ohio but who are inmates 25286
of correctional institutions operated by the state or any 25287
political subdivision thereof, and who are eligible under state 25288
board of education minimum standards to receive a high school 25289
diploma based in whole or in part on credits earned while an 25290
inmate of the correctional institution, shall be granted a diploma 25291
by the correctional institution offering the program in which the 25292
credits were earned. The diploma granted by the correctional 25293
institution shall be signed by the director of the institution and 25294
by the person serving as principal of the institution's high 25295
school and shall bear the date of issue. 25296

(G) The state board of education shall provide by rule for 25297
the administration of the assessments required by sections 25298
3301.0710 and 3301.0712 of the Revised Code to inmates of 25299
correctional institutions. 25300

(H) Any person to whom all of the following apply shall be 25301
exempted from attaining the applicable score on the assessment in 25302
social studies designated under division (B)(1) of section 25303

3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D)(3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "~~limited~~ English ~~proficient~~"

~~student learner~~" has the same meaning as in division (C)(3) of 25335
section 3301.0711 of the Revised Code. 25336

Notwithstanding division (C)(3) of section 3301.0711 of the 25337
Revised Code, no ~~limited English proficient student learner~~ who 25338
has not either attained the applicable scores designated under 25339
division (B)(1) of section 3301.0710 of the Revised Code on all 25340
the assessments required by that division, or met the requirement 25341
prescribed by section 3313.618 of the Revised Code, shall be 25342
awarded a diploma under this section. 25343

(L) Any student described by division (A)(1) of this section 25344
may be awarded a diploma without meeting the requirement 25345
prescribed by section 3313.618 of the Revised Code provided an 25346
individualized education program specifically exempts the student 25347
from meeting such requirement. This division does not negate the 25348
requirement for a student to take the assessments prescribed by 25349
section 3301.0710 or under division (B) of section 3301.0712 of 25350
the Revised Code, or alternate assessments required by division 25351
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 25352
of assessing student progress as required by federal law. 25353

Sec. 3313.611. (A) The state board of education shall adopt, 25354
by rule, standards for awarding high school credit equivalent to 25355
credit for completion of high school academic and vocational 25356
education courses to applicants for diplomas under this section. 25357
The standards may permit high school credit to be granted to an 25358
applicant for any of the following: 25359

(1) Work experiences or experiences as a volunteer; 25360

(2) Completion of academic, vocational, or self-improvement 25361
courses offered to persons over the age of twenty-one by a 25362
chartered public or nonpublic school; 25363

(3) Completion of academic, vocational, or self-improvement 25364

courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;	25365 25366
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	25367 25368 25369
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	25370 25371 25372 25373
(1) The applicant is a resident of the district;	25374
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	25375 25376 25377
(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.	25378 25379 25380
(a) Prior to July 1, 2014, the applicant either:	25381
(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;	25382 25383 25384 25385 25386 25387 25388
(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	25389 25390
(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code	25391 25392 25393 25394

or division (H) or (L) of section 3313.61 of the Revised Code. 25395

(4) The district board determines, in accordance with the 25396
standards adopted under division (A) of this section, that the 25397
applicant has attained sufficient high school credits, including 25398
equivalent credits awarded under such standards, to qualify as 25399
having successfully completed the curriculum required by the 25400
district for graduation. 25401

(C) If a district board determines that an applicant is not 25402
eligible for a diploma under division (B) of this section, it 25403
shall inform the applicant of the reason the applicant is 25404
ineligible and shall provide a list of any courses required for 25405
the diploma for which the applicant has not received credit. An 25406
applicant may reapply for a diploma under this section at any 25407
time. 25408

(D) If a district board awards an adult education diploma 25409
under this section, the president and treasurer of the board and 25410
the superintendent of schools shall sign it. Each diploma shall 25411
bear the date of its issuance, be in such form as the district 25412
board prescribes, and be paid for from the district's general 25413
fund, except that the state board may by rule prescribe standard 25414
language to be included on each diploma. 25415

(E) As used in this division, "~~limited English proficient~~ 25416
~~student learner~~" has the same meaning as in division (C)(3) of 25417
section 3301.0711 of the Revised Code. 25418

Notwithstanding division (C)(3) of section 3301.0711 of the 25419
Revised Code, no ~~limited English proficient student learner~~ who 25420
has not either attained the applicable scores designated under 25421
division (B)(1) of section 3301.0710 of the Revised Code on all 25422
the assessments required by that division, or has not met the 25423
requirement prescribed by section 3313.618 of the Revised Code, 25424
shall be awarded a diploma under this section. 25425

Sec. 3313.612. (A) No nonpublic school chartered by the state 25426
board of education shall grant a high school diploma to any person 25427
unless, subject to section 3313.614 of the Revised Code, the 25428
person has met the assessment requirements of division (A)(1) or 25429
(2) of this section, as applicable. 25430

(1) If the person entered the ninth grade prior to July 1, 25431
2014, the person has attained at least the applicable scores 25432
designated under division (B)(1) of section 3301.0710 of the 25433
Revised Code on all the assessments required by that division, or 25434
has satisfied the alternative conditions prescribed in section 25435
3313.615 of the Revised Code. 25436

(2) If the person entered the ninth grade on or after July 1, 25437
2014, the person has met the requirement prescribed by section 25438
3313.618 or 3313.619 of the Revised Code. 25439

(B) This section does not apply to any of the following: 25440

(1) Any person with regard to any assessment from which the 25441
person was excused pursuant to division (C)(1)(c) of section 25442
3301.0711 of the Revised Code; 25443

(2) Except as provided in division (B)(4) of this section, 25444
any person who attends a nonpublic school accredited through the 25445
independent schools association of the central states, except for 25446
a student attending the school under a state scholarship program 25447
as defined in section 3301.0711 of the Revised Code; 25448

(3) Any person with regard to the social studies assessment 25449
under division (B)(1) of section 3301.0710 of the Revised Code, 25450
any American history end-of-course examination and any American 25451
government end-of-course examination required under division (B) 25452
of section 3301.0712 of the Revised Code if such an exemption is 25453
prescribed by rule of the state board of education under division 25454
(D)(3) of section 3301.0712 of the Revised Code, or the 25455

citizenship test under former division (B) of section 3301.0710 of 25456
the Revised Code as it existed prior to September 11, 2001, if all 25457
of the following apply: 25458

(a) The person is not a citizen of the United States; 25459

(b) The person is not a permanent resident of the United 25460
States; 25461

(c) The person indicates no intention to reside in the United 25462
States after completion of high school. 25463

(4) Any person who attends a chartered nonpublic school that 25464
satisfies the requirements of division (L)(4) of section 3301.0711 25465
of the Revised Code. In the case of such a student, the student's 25466
chartered nonpublic school shall determine the student's 25467
eligibility for graduation based on the standards of the school's 25468
accrediting body. 25469

(C) As used in this division, "~~limited English proficient~~ 25470
~~student learner~~" has the same meaning as in division (C)(3) of 25471
section 3301.0711 of the Revised Code. 25472

Notwithstanding division (C)(3) of section 3301.0711 of the 25473
Revised Code, no ~~limited English proficient student learner~~ who 25474
has not either attained the applicable scores designated under 25475
division (B)(1) of section 3301.0710 of the Revised Code on all 25476
the assessments required by that division, or met the requirement 25477
prescribed by section 3313.618 or 3313.619 of the Revised Code, 25478
shall be awarded a diploma under this section. 25479

(D) The state board shall not impose additional requirements 25480
or assessments for the granting of a high school diploma under 25481
this section that are not prescribed by this section. 25482

(E) The department of education shall furnish the assessment 25483
administered by a nonpublic school pursuant to division (B)(1) of 25484
section 3301.0712 of the Revised Code. 25485

Sec. 3313.618. (A) In addition to the applicable curriculum 25486
requirements, each student entering ninth grade for the first time 25487
on or after July 1, 2014, shall satisfy at least one of the 25488
following conditions in order to qualify for a high school 25489
diploma: 25490

(1) Be remediation-free, in accordance with standards adopted 25491
under division (F) of section 3345.061 of the Revised Code, on 25492
each of the nationally standardized assessments in English, 25493
mathematics, and reading; 25494

(2) Attain a score specified under division (B)(5)(c) of 25495
section 3301.0712 of the Revised Code on the end-of-course 25496
examinations prescribed under division (B) of section 3301.0712 of 25497
the Revised Code. 25498

(3) Attain a score that demonstrates workforce readiness and 25499
employability on a nationally recognized job skills assessment 25500
selected by the state board of education under division (G) of 25501
section 3301.0712 of the Revised Code and obtain either an 25502
industry-recognized credential, ~~as described under division~~ 25503
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 25504
issued by a state agency or board for practice in a vocation that 25505
requires an examination for issuance of that license. 25506

The Subject to section 3313.912 of the Revised Code, the 25507
industry-recognized credentials and licenses shall be as approved 25508
under section 3313.6113 of the Revised Code. 25509

A student may choose to qualify for a high school diploma by 25510
satisfying any of the separate requirements prescribed by 25511
divisions (A)(1) to (3) of this section. If the student's school 25512
district or school does not administer the examination prescribed 25513
by one of those divisions that the student chooses to take to 25514
satisfy the requirements of this section, the school district or 25515
school may require that student to arrange for the applicable 25516

scores to be sent directly to the district or school by the 25517
company or organization that administers the examination. 25518

(B) The state board of education shall not create or require 25519
any additional assessment for the granting of any type of high 25520
school diploma other than as prescribed by this section. Except as 25521
provided in sections 3313.6111 and 3313.6112 of the Revised Code, 25522
the state board or the superintendent of public instruction shall 25523
not create any endorsement or designation that may be affiliated 25524
with a high school diploma. 25525

Sec. 3313.813. (A) As used in this section: 25526

(1) "Outdoor education center" means a public or nonprofit 25527
private entity that provides to pupils enrolled in any public or 25528
chartered nonpublic elementary or secondary school an outdoor 25529
educational curriculum that the school considers to be part of its 25530
educational program. 25531

(2) "Outside-school-hours care center" has the meaning 25532
established in 7 C.F.R. 226.2. 25533

(B) The state board of education shall establish standards 25534
for a school lunch program, school breakfast program, child and 25535
adult care food program, special food service program for 25536
children, summer food service program for children, special milk 25537
program for children, food service equipment assistance program, 25538
and commodity distribution program established under the "National 25539
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 25540
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 25541
U.S.C. 1771, as amended. Any board of education of a school 25542
district, nonprofit private school, outdoor education center, 25543
child care institution, outside-school-hours care center, or 25544
summer camp desiring to participate in such a program or required 25545
to participate under this section shall, if eligible to 25546
participate under the "National School Lunch Act," as amended, or 25547

the "Child Nutrition Act of 1966," as amended, make application to 25548
the state board of education for assistance. The board shall 25549
administer the allocation and distribution of all state and 25550
federal funds for these programs. 25551

(C) The state board of education shall require the board of 25552
education of each school district to establish and maintain a 25553
school breakfast, lunch, and summer food service program pursuant 25554
to the "National School Lunch Act" and the "Child Nutrition Act of 25555
1966," as described in divisions (C)(1) to (4) of this section. 25556

(1) The state board shall require the board of education in 25557
each school district to establish a breakfast program in every 25558
school where at least one-fifth of the pupils in the school are 25559
eligible under federal requirements for free breakfasts and to 25560
establish a lunch program in every school where at least one-fifth 25561
of the pupils are eligible for free lunches. The board of 25562
education required to establish a breakfast program under this 25563
division may make a charge in accordance with federal requirements 25564
for each reduced price breakfast or paid breakfast to cover the 25565
cost incurred in providing that meal. 25566

(2) The state board shall require the board of education in 25567
each school district to establish a breakfast program in every 25568
school in which the parents of at least one-half of the children 25569
enrolled in the school have requested that the breakfast program 25570
be established. The board of education required to establish a 25571
program under this division may make a charge in accordance with 25572
federal requirements for each meal to cover all or part of the 25573
costs incurred in establishing such a program. 25574

A breakfast program established under division (C)(1) or (2) 25575
of this section shall be operated in accordance with section 25576
3313.818 of the Revised Code in any school meeting the conditions 25577
prescribed by that section. 25578

(3) The state board shall require the board of education in each school district to establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

(a) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966";

(b) An extension of the school lunch program pursuant to those acts;

(c) A summer food service program pursuant to those acts.

(4)(a) If the board of education of a school district determines that, for financial reasons, it cannot comply with division (C)(1) or (3) of this section, the district board may choose not to comply with either or both divisions, except as provided in divisions (C)(4)(b) and (c) of this section. The district board publicly shall communicate to the residents of the district, in the manner it determines appropriate, its decision not to comply.

(b) If a district board chooses not to comply with division (C)(1) of this section, the state board nevertheless shall require the district board to establish a breakfast program in every school where at least one-third of the pupils in the school are eligible under federal requirements for free breakfasts and to establish a lunch program in every school where at least one-third of the pupils are eligible for free lunches. The district board may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

(c) If the board of education of a school district chooses not to comply with division (C)(3) of this section, the state

board nevertheless shall require the district board to permit an approved summer food service program sponsor to use school facilities located in a school building attendance area where at least one-half of the pupils are eligible for free lunches.

The department of education shall post in a prominent location on the department's web site a list of approved summer food service program sponsors that may use school facilities under this division.

Subject to the provisions of sections 3313.75 and 3313.77 of the Revised Code, a school district may charge the summer food service program sponsor a reasonable fee for the use of school facilities that may include the actual cost of custodial services, charges for the use of school equipment, and a prorated share of the utility costs as determined by the district board. A school district shall require the summer food service program sponsor to indemnify and hold harmless the district from any potential liability resulting from the operation of the summer food service program under this division. For this purpose, the district shall either add the summer food service program sponsor, as an additional insured party, to the district's existing liability insurance policy or require the summer food service program sponsor to submit evidence of a separate liability insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option.

(d) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) or (c) of this section at the time the state board determines that a district is subject to these requirements, the state board shall grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the requirements at the time the state board

determines that a district is subject to them. 25642

(D)(1) The state board shall accept the application of any 25643
outdoor education center in the state making application for 25644
participation in a program pursuant to division (B) of this 25645
section. 25646

(2) For purposes of participation in any program pursuant to 25647
this section, the board shall certify any outdoor education center 25648
making application as an educational unit that is part of the 25649
educational system of the state, if the center: 25650

(a) Meets the definition of an outdoor education center; 25651

(b) Provides its outdoor education curriculum to pupils on an 25652
overnight basis so that pupils are in residence at the center for 25653
more than twenty-four consecutive hours; 25654

(c) Operates under public or nonprofit private ownership in a 25655
single building or complex of buildings. 25656

(3) The board shall approve any outdoor education center 25657
certified under this division for participation in the program for 25658
which the center is making application on the same basis as any 25659
other applicant for that program. 25660

(E) Any school district board of education or chartered 25661
nonpublic school that participates in a breakfast program pursuant 25662
to this section may offer breakfast to pupils in their classrooms 25663
during the school day. However, any school that is subject to 25664
section 3313.818 of the Revised Code shall offer breakfast to 25665
pupils in accordance with that section. 25666

(F) Notwithstanding anything in this section to the contrary, 25667
in each fiscal year in which the general assembly appropriates 25668
funds for purposes of this division, the board of education of 25669
each school district and each chartered nonpublic school that 25670
participates in a breakfast program pursuant to this section shall 25671

provide a breakfast free of charge to each pupil who is eligible 25672
under federal requirements for a reduced price breakfast. 25673

Sec. 3313.818. (A)(1) The department of education shall 25674
establish a program under which public schools that meet the 25675
conditions prescribed in this section shall offer breakfast to all 25676
students either before or during the school day. Each of the 25677
following shall apply: 25678

(a) In the first school year after the effective date of this 25679
section, the program shall apply to any public school in which 25680
seventy per cent or more of the students enrolled in the school 25681
during the previous school year were eligible under federal 25682
requirements for free or reduced-price breakfasts or lunches. 25683

(b) In the second school year after the effective date of 25684
this section, the program shall apply to any public school in 25685
which sixty per cent or more of the students enrolled in the 25686
school during the previous school year were eligible under federal 25687
requirements for free or reduced-price breakfasts or lunches. 25688

(c) In the third school year after the enactment date of this 25689
section and every school year thereafter, the program shall apply 25690
to any public school in which fifty per cent or more of the 25691
students enrolled in the school during the previous school year 25692
were eligible under federal requirements for free or reduced-price 25693
breakfasts or lunches. 25694

(2) The district superintendent or building principal, in 25695
consultation with the building staff, shall determine the model 25696
for serving breakfast under the program. Each breakfast served 25697
under the program shall comply with federal meal patterns and 25698
nutritional standards and with section 3313.814 of the Revised 25699
Code. A school district board of education may make a charge in 25700
accordance with federal requirements for each meal to cover all or 25701
part of the costs incurred in operating the program. 25702

(B) The department shall publish a list of public schools that meet the conditions of division (A) of this section. The department shall offer technical assistance to school districts and schools regarding the implementation of a school breakfast program that complies with this section and the submission of claims for reimbursement under the federal school breakfast program. 25703
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(C)(1) The department shall monitor each school participating in the program and ensure that each participating school complies with the requirements of this section. 25710
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(2) If the board of education of a school district determines that, for financial reasons, a school under the board's control cannot comply with the requirements of this section or the board already has a successful breakfast program or partnership in place, the district board may choose not to comply with those requirements. 25713
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(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students participating in school breakfast programs disaggregated by school district and individual schools, including community schools, established under Chapter 3314. of the Revised Code, and STEM schools, established under Chapter 3326. of the Revised Code. 25719
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(E) Not later than the thirty-first day of December of each school year, the department shall prepare a report on the implementation and effectiveness of the program established under this section and submit the report to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The report shall include: 25726
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(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for 25732
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<u>each school building;</u>	25734
<u>(2) The type of breakfast model used by each school building participating in the breakfast program;</u>	25735
<u>(3) The number of students and participation rates in free or reduced-price lunch for each school building.</u>	25736
Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.	25737
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(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	25742
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(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	25749
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(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district	25755
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board and service center governing board agree can be better 25764
provided by the service center and are not provided under an 25765
agreement entered into under section 3313.845 of the Revised Code. 25766
Services included in the agreement shall be provided to the 25767
district in the manner specified in the agreement. The district 25768
board of education shall reimburse the educational service center 25769
governing board pursuant to division (H) of this section. 25770

(C) Any agreement entered into pursuant to this section shall 25771
be filed with the department of education by the first day of July 25772
of the school year for which the agreement is in effect. 25773

(D)(1) An agreement for services from an educational service 25774
center entered into under this section may be terminated by the 25775
school district board of education, at its option, by notifying 25776
the governing board of the service center by March 1, 2012, or by 25777
the first day of January of any odd-numbered year thereafter, that 25778
the district board intends to terminate the agreement in that 25779
year, and that termination shall be effective on the thirtieth day 25780
of June of that year. The failure of a district board to notify an 25781
educational service center of its intent to terminate an agreement 25782
by March 1, 2012, shall result in renewal of the existing 25783
agreement for the following school year. Thereafter, the failure 25784
of a district board to notify an educational service center of its 25785
intent to terminate an agreement by the first day of January of an 25786
odd-numbered year shall result in renewal of the existing 25787
agreement for the following two school years. 25788

(2) If the school district that terminates an agreement for 25789
services under division (D)(1) of this section is also subject to 25790
the requirement of division (B)(1) of this section, the district 25791
board shall enter into a new agreement with any educational 25792
service center so that the new agreement is effective on the first 25793
day of July of that same year. 25794

(3) If all moneys owed by a school district to an educational 25795

service center under an agreement for services terminated under 25796
division (D)(1) of this section have been paid in full by the 25797
effective date of the termination, the governing board of the 25798
service center shall submit an affidavit to the department 25799
certifying that fact not later than fifteen days after the 25800
termination's effective date. Notwithstanding anything in the 25801
Revised Code to the contrary, until the department receives such 25802
an affidavit, it shall not make any payments to any other 25803
educational service center with which the district enters into an 25804
agreement under this section for services that the educational 25805
service center provides to the district. 25806

(E) An educational service center may apply to any state or 25807
federal agency for competitive grants. It may also apply to any 25808
private entity for additional funds. 25809

(F) Not later than January 1, 2014, each educational service 25810
center shall post on its web site a list of all of the services 25811
that it provides and the corresponding cost for each of those 25812
services. 25813

(G)(1) For purposes of calculating any state operating 25814
subsidy to be paid to an educational service center for the 25815
operation of that service center and any services required under 25816
Title XXXVIII of the Revised Code to be provided by the service 25817
center to a school district, the service center's student count 25818
shall be the sum of the total student counts of all the school 25819
districts with which the educational service center has entered 25820
into an agreement under this section. 25821

(2) When a district enters into a new agreement with a new 25822
educational service center, the department of education shall 25823
ensure that the state operating subsidy for services provided to 25824
the district is paid to the new educational service center and 25825
that the educational service center with which the district 25826
previously had an agreement is no longer paid a state operating 25827

subsidy for providing services to that district. 25828

(H) Pursuant to division (B) of section 3317.023 of the 25829
Revised Code, the department annually shall deduct from each 25830
school district that enters into an agreement with an educational 25831
service center under this section, and pay to the service center, 25832
an amount equal to six dollars and fifty cents times the school 25833
district's total student count. The district board of education, 25834
or the district superintendent acting on behalf of the district 25835
board, may agree to pay an amount in excess of six dollars and 25836
fifty cents per student in total student count. If a majority of 25837
the boards of education, or superintendents acting on behalf of 25838
the boards, of the districts that entered into an agreement under 25839
this section approve an amount in excess of six dollars and fifty 25840
cents per student in total student count, each district shall pay 25841
the excess amount to the service center. 25842

(I)(1) An educational service center may enter into a 25843
contract to purchase supplies, materials, equipment, and services, 25844
which may include those specified in division (B) of this section 25845
or Chapter 3312. of the Revised Code, or the delivery of such 25846
services, on behalf of a school district or political subdivision 25847
that has entered into an agreement with the service center under 25848
this section or section 3313.844, 3313.845, or 3313.846 of the 25849
Revised Code. 25850

(2) Purchases made by a school district or political 25851
subdivision that has entered into an agreement with the service 25852
center as described in this division are exempt from competitive 25853
bidding required by law for the purchase of supplies, materials, 25854
equipment, or services. No political subdivision shall make any 25855
purchase under this division when the political subdivision has 25856
received bids for such purchase, unless the same terms, 25857
conditions, and specifications at a lower price can be made for 25858
such purchase under this division. 25859

(J) Any school district, community school, or STEM school 25860
that has entered into an agreement with an educational service 25861
center under this section or section 3313.844 or 3313.845 of the 25862
Revised Code shall be in compliance with federal law and exempt 25863
from competitive bidding requirements for personnel-based services 25864
pursuant to the authority granted to the Ohio department of 25865
education under federal law, provided the service center has met 25866
the following conditions: 25867

(1) It is in compliance with division (F) of this section. 25868

(2) It has been designated "high performing" under rule of 25869
the state board of education. 25870

(3) It has been found to be substantially in compliance with 25871
audit rules and guidelines in its most recent audit by the auditor 25872
of state. 25873

(K) For purposes of this section, a school district's "total 25874
student count" means the average daily student enrollment reported 25875
on the most recent report card issued for the district pursuant to 25876
section 3302.03 of the Revised Code. 25877

Sec. 3313.912. (A) As used in this section, "career-technical 25878
planning district" and "lead district" have the same meanings as 25879
in section 3317.023 of the Revised Code. 25880

(B) The business advisory committee of each career-technical 25881
planning district shall determine an appropriate point value for 25882
each industry-recognized credential approved under section 25883
3313.6113 of the Revised Code that is offered by the 25884
career-technical planning district. The point value shall be for 25885
the purposes of attaining the number of credential points 25886
necessary to qualify for a high school diploma under division 25887
(A)(3) of section 3313.618 of the Revised Code. The business 25888
advisory committee shall submit each credential point value 25889

determined by the committee to the board of education of the lead district for approval. 25890
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(C) The district board of the lead district shall vote on each credential point value submitted by the career-technical planning district's business advisory committee. The district board may approve each credential point value by a majority vote of its members. The district board shall submit to the department of education, through either regular mail or electronic mail, a notice of an approved credential point value and a copy of the minutes of the board meeting at which the board approved the credential point value. Except as provided in division (D) of this section, an approval under this division shall take effect thirty calendar days after either the postage stamp date of the regular mail notice or the date of the electronic mail notice. 25892
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(D) The state board of education may, by a two-thirds vote of its membership, override a credential point value approval under division (C) of this section. An override shall take immediate effect if the state board vote occurs prior to the effective date of the approval prescribed under division (C) of this section. However, if the state board vote occurs after that effective date, the override shall take effect at the beginning of the following school year. 25904
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(E) Both of the following shall apply to any credential point value approved under division (C) of this section: 25912
25913

(1) The approved credential point value shall only be valid in the career-technical planning district of the lead district board of education that issued the approval. 25914
25915
25916

(2) The district board may revoke any approved credential point value. 25917
25918

(F) Subject to divisions (D) and (E) of this section, each student in a career-technical planning district may use a 25919
25920

credential point value approved under division (C) of this section 25921
for the purposes of attaining the necessary number of 25922
industry-recognized credential points to qualify for a high school 25923
diploma under division (A)(3) of section 3313.613 of the Revised 25924
Code. 25925

Sec. 3313.978. (A) Annually by the first day of November, the 25926
superintendent of public instruction shall notify the pilot 25927
project school district of the number of initial scholarships that 25928
the state superintendent will be awarding in each of grades 25929
kindergarten through twelve. 25930

The state superintendent shall provide information about the 25931
scholarship program to all students residing in the district, 25932
shall accept applications from any such students ~~until such date~~ 25933
~~as shall be established by the state superintendent as a deadline~~ 25934
~~for applications~~ during the application periods established under 25935
division (H) of this section, and shall establish criteria for the 25936
selection of students to receive scholarships from among all those 25937
applying prior to the deadline, which criteria shall give 25938
preference to students from low-income families. The state 25939
superintendent shall notify students of their selection prior to 25940
~~the fifteenth day of January~~ a date established by the state 25941
superintendent. 25942

(1) A student receiving a pilot project scholarship may 25943
utilize it at an alternative public school by notifying the 25944
district superintendent, at any time before the beginning of the 25945
school year, of the name of the public school in an adjacent 25946
school district to which the student has been accepted pursuant to 25947
section 3327.06 of the Revised Code. 25948

(2) A student may decide to utilize a pilot project 25949
scholarship at a registered private school in the district if all 25950
of the following conditions are met: 25951

(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance

with criteria the superintendent shall establish. 25983

(C)(1) In the case of basic scholarships for students in 25984
grades kindergarten through eight, the scholarship amount shall 25985
not exceed the lesser of the net tuition charges of the 25986
alternative school the scholarship recipient attends or four 25987
thousand six hundred fifty dollars. 25988

In the case of basic scholarships for students in grades nine 25989
through twelve, the scholarship amount shall not exceed the lesser 25990
of the net tuition charges of the alternative school the 25991
scholarship recipient attends or six thousand dollars. 25992

The net tuition and fees charged to a student shall be the 25993
tuition amount specified by the alternative school minus all other 25994
financial aid, discounts, and adjustments received for the 25995
student. In cases where discounts are offered for multiple 25996
students from the same family, and not all students in the same 25997
family are scholarship recipients, the net tuition amount 25998
attributable to the scholarship recipient shall be the lowest net 25999
tuition to which the family is entitled. 26000

(2) The state superintendent shall provide for an increase in 26001
the basic scholarship amount in the case of any student who is a 26002
mainstreamed student with a disability and shall further increase 26003
such amount in the case of any separately educated student with a 26004
disability. Such increases shall take into account the 26005
instruction, related services, and transportation costs of 26006
educating such students. 26007

(3) In the case of tutorial assistance grants, the grant 26008
amount shall not exceed the lesser of the provider's actual 26009
charges for such assistance or: 26010

(a) Before fiscal year 2007, a percentage established by the 26011
state superintendent, not to exceed twenty per cent, of the amount 26012
of the pilot project school district's average basic scholarship 26013

amount; 26014

(b) In fiscal year 2007 and thereafter, four hundred dollars. 26015

(D)(1) Annually by the first day of November, the state 26016
superintendent shall estimate the maximum per-pupil scholarship 26017
amounts for the ensuing school year. The state superintendent 26018
shall make this estimate available to the general public at the 26019
offices of the district board of education together with the forms 26020
required by division (D)(2) of this section. 26021

(2) Annually by the fifteenth day of January, the chief 26022
administrator of each registered private school located in the 26023
pilot project district and the principal of each public school in 26024
such district shall complete a parental information form and 26025
forward it to the president of the board of education. The 26026
parental information form shall be prescribed by the department of 26027
education and shall provide information about the grade levels 26028
offered, the numbers of students, tuition amounts, achievement 26029
test results, and any sectarian or other organizational 26030
affiliations. 26031

(E)(1) Only for the purpose of administering the pilot 26032
project scholarship program, the department may request from any 26033
of the following entities the data verification code assigned 26034
under division (D)(2) of section 3301.0714 of the Revised Code to 26035
any student who is seeking a scholarship under the program: 26036

(a) The school district in which the student is entitled to 26037
attend school under section 3313.64 or 3313.65 of the Revised 26038
Code; 26039

(b) If applicable, the community school in which the student 26040
is enrolled; 26041

(c) The independent contractor engaged to create and maintain 26042
data verification codes. 26043

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship

students residing in the pilot project school district who are 26075
enrolled in a registered private school and were required to take 26076
an assessment pursuant to division (A)(11) of section 3313.976 of 26077
the Revised Code; 26078

(b) By registered private school, which shall include all 26079
scholarship students enrolled in that school who were required to 26080
take an assessment pursuant to division (A)(11) of section 26081
3313.976 of the Revised Code. 26082

(2) The department shall disaggregate the student performance 26083
data described in division (G)(1) of this section according to the 26084
following categories: 26085

(a) Grade level; 26086

(b) Race and ethnicity; 26087

(c) Gender; 26088

(d) Students who have participated in the scholarship program 26089
for three or more years; 26090

(e) Students who have participated in the scholarship program 26091
for more than one year and less than three years; 26092

(f) Students who have participated in the scholarship program 26093
for one year or less; 26094

(g) Economically disadvantaged students. 26095

(3) The department shall post the student performance data 26096
required under divisions (G)(1) and (2) of this section on its web 26097
site and shall include that data in the information about the 26098
scholarship program provided to students under division (A) of 26099
this section. In reporting student performance data under this 26100
division, the department shall not include any data that is 26101
statistically unreliable or that could result in the 26102
identification of individual students. For this purpose, the 26103
department shall not report performance data for any group that 26104

contains less than ten students. 26105

(4) The department shall provide the parent of each 26106
scholarship student enrolled in a registered private school with 26107
information comparing the student's performance on the assessments 26108
administered pursuant to division (A)(11) of section 3313.976 of 26109
the Revised Code with the average performance of similar students 26110
enrolled in the building operated by the pilot project school 26111
district that the scholarship student would otherwise attend. In 26112
calculating the performance of similar students, the department 26113
shall consider age, grade, race and ethnicity, gender, and 26114
socioeconomic status. 26115

(H)(1) Except as provided in division (H)(2) of this section, 26116
for scholarships awarded the 2020-2021 school year and for each 26117
school year thereafter, the department shall conduct two 26118
application periods each year for the pilot project scholarship 26119
program, as follows: 26120

(a) The first application period shall open not sooner than 26121
the first day of February prior to the first day of July of the 26122
school year for which a scholarship is sought and run not less 26123
than seventy-five days. 26124

(b) The second application period shall open not sooner than 26125
the first day of July of the school year for which the scholarship 26126
is sought and run not less than thirty days. 26127

(2) If the pilot scholarships awarded in the first 26128
application period for any school year use the entirety of the 26129
amount appropriated by the general assembly for such scholarships 26130
for that school year, the department need not conduct a second 26131
application period for scholarships. If, after the first 26132
application period, there are funds remaining to award, the 26133
department shall conduct a second application period in accordance 26134
with division (H)(1)(b) of this section. 26135

(3) Not later than the thirtieth day of June of each school year, the department shall determine whether funds remain available for scholarships under the pilot project scholarship program after the first application period.

(4) For scholarships awarded for any school year prior to the 2020-2021 school year, the state superintendent shall establish a deadline for a single application period.

Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not rated as "ineffective" under division (B)(6) of this section.

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the Revised Code.

(B)(1) The department shall develop and implement an

evaluation system that annually rates and assigns an overall 26166
rating to each entity that sponsors a community school. The 26167
department, not later than the first day of February of each year, 26168
shall post on the department's web site the framework for the 26169
evaluation system, including technical documentation that the 26170
department intends to use to rate sponsors for the next school 26171
year. The department shall solicit public comment on the 26172
evaluation system for thirty consecutive days. Not later than the 26173
first day of April of each year, the department shall compile and 26174
post on the department's web site all public comments that were 26175
received during the public comment period. The evaluation system 26176
shall be posted on the department's web site by the fifteenth day 26177
of July of each school year. Any changes to the evaluation system 26178
after that date shall take effect the following year. The 26179
evaluation system shall be based on the following components: 26180

(a) Academic performance of students enrolled in community 26181
schools sponsored by the same entity. The academic performance 26182
component shall be derived from the performance measures 26183
prescribed for the state report cards under section 3302.03 or 26184
3314.017 of the Revised Code, and shall be based on the 26185
performance of the schools for the school year for which the 26186
evaluation is conducted. In addition to the academic performance 26187
for a specific school year, the academic performance component 26188
shall also include year-to-year changes in the overall sponsor 26189
portfolio. For a community school for which no graded performance 26190
measures are applicable or available, the department shall use 26191
nonreport card performance measures specified in the contract 26192
between the community school and the sponsor under division (A)(4) 26193
of section 3314.03 of the Revised Code. 26194

(b) Adherence by a sponsor to the quality practices 26195
prescribed by the department under division (B)(3) of this 26196
section. For a sponsor that was rated "effective" or "exemplary" 26197

on its most recent rating, the department may evaluate that 26198
sponsor's adherence to quality practices once over a period of 26199
three years. If the department elects to evaluate a sponsor once 26200
over a period of three years, the most recent rating for a 26201
sponsor's adherence to quality practices shall be used when 26202
determining an annual overall rating conducted under this section. 26203

(c) Compliance with all applicable laws and administrative 26204
rules by an entity that sponsors a community school. 26205

(2) In calculating an academic performance component, the 26206
department shall exclude all community schools that have been in 26207
operation for not more than two full school years and all 26208
community schools described in division (A)~~(4)~~(2)(b) of section 26209
3314.35 of the Revised Code. However, the academic performance of 26210
the community schools described in division (A)~~(4)~~(2)(b) of 26211
section 3314.35 of the Revised Code shall be reported, but shall 26212
not be used as a factor when determining a sponsoring entity's 26213
rating under this section. 26214

(3) The department, in consultation with entities that 26215
sponsor community schools, shall prescribe quality practices for 26216
community school sponsors and develop an instrument to measure 26217
adherence to those quality practices. The quality practices shall 26218
be based on standards developed by the national association of 26219
charter school authorizers or any other nationally organized 26220
community school organization. 26221

(4)(a) The department may permit peer review of a sponsor's 26222
adherence to the quality practices prescribed under division 26223
(B)(3) of this section. Peer reviewers shall be limited to 26224
individuals employed by sponsors rated "effective" or "exemplary" 26225
on the most recent ratings conducted under this section. 26226

(b) The department shall require individuals participating in 26227
peer review under division (B)(4)(a) of this section to complete 26228

training approved or established by the department. 26229

(c) The department may enter into an agreement with another 26230
entity to provide training to individuals conducting peer review 26231
of sponsors. Prior to entering into an agreement with an entity, 26232
the department shall review and approve of the entity's training 26233
program. 26234

(5) Not later than July 1, 2013, the state board of education 26235
shall adopt rules in accordance with Chapter 119. of the Revised 26236
Code prescribing standards for measuring compliance with 26237
applicable laws and rules under division (B)(1)(c) of this 26238
section. 26239

(6) The department annually shall rate all entities that 26240
sponsor community schools as either "exemplary," "effective," 26241
"ineffective," or "poor," based on the components prescribed by 26242
division (B) of this section, where each component is weighted 26243
equally. A separate rating shall be given by the department for 26244
each component of the evaluation system. 26245

The department shall publish the ratings between the first 26246
day of October and the fifteenth day of November. 26247

Prior to the publication of the final ratings, the department 26248
shall designate and provide notice of a period of at least ten 26249
business days during which each sponsor may review the information 26250
used by the department to determine the sponsor's rating on the 26251
components prescribed by divisions (B)(1)(b) and (c) of this 26252
section. If the sponsor believes there is an error in the 26253
department's evaluation, the sponsor may request adjustments to 26254
the rating of either of those components based on documentation 26255
previously submitted as part of an evaluation. The sponsor shall 26256
provide to the department any necessary evidence or information to 26257
support the requested adjustments. The department shall review the 26258
evidence and information, determine whether an adjustment is 26259

valid, and promptly notify the sponsor of its determination and 26260
reasons. If any adjustments to the data could result in a change 26261
to the rating on the applicable component or to the overall 26262
rating, the department shall recalculate the ratings prior to 26263
publication. 26264

The department shall provide training on an annual basis 26265
regarding the evaluation system prescribed under this section. The 26266
training shall, at a minimum, describe methodology, timelines, and 26267
data required for the evaluation system. The first training 26268
session shall occur not later than March 2, 2016. Beginning in 26269
2018, the training shall be made available to each entity that 26270
sponsors a community school by the fifteenth day of July of each 26271
year and shall include guidance on any changes made to the 26272
evaluation system. 26273

(7)(a) Entities with an overall rating of "exemplary" for at 26274
least two consecutive years may take advantage of the following 26275
incentives: 26276

(i) Renewal of the written agreement with the department, not 26277
to exceed ten years, provided that the entity consents to 26278
continued evaluation of adherence to quality practices as 26279
described in division (B)(1)(b) of this section; 26280

(ii) The ability to extend the term of the contract between 26281
the sponsoring entity and the community school beyond the term 26282
described in the written agreement with the department; 26283

(iii) An exemption from the preliminary agreement and 26284
contract adoption and execution deadline requirements prescribed 26285
in division (D) of section 3314.02 of the Revised Code; 26286

(iv) An exemption from the automatic contract expiration 26287
requirement, should a new community school fail to open by the 26288
thirtieth day of September of the calendar year in which the 26289
community school contract is executed; 26290

(v) No limit on the number of community schools the entity
may sponsor; 26291
26292

(vi) No territorial restrictions on sponsorship. 26293

An entity may continue to sponsor any community schools with
which it entered into agreements under division (B)(7)(a)(v) or 26294
26295
(vi) of this section while rated "exemplary," notwithstanding the 26296
fact that the entity later receives a lower overall rating. 26297

(b) Entities with an overall rating of "effective" for at 26298
least three consecutive years shall be evaluated by the department 26299
once every three years. 26300

(c)(i) Entities that receive an overall rating of 26301
"ineffective" shall be prohibited from sponsoring any new or 26302
additional community schools during the time in which the sponsor 26303
is rated as "ineffective" and shall be subject to a quality 26304
improvement plan based on correcting the deficiencies that led to 26305
the "ineffective" rating, with timelines and benchmarks that have 26306
been established by the department. 26307

(ii) Entities that receive an overall rating of "ineffective" 26308
on their three most recent ratings shall have all sponsorship 26309
authority revoked. Within thirty days after receiving its third 26310
rating of "ineffective," the entity may appeal the revocation of 26311
its sponsorship authority to the superintendent of public 26312
instruction, who shall appoint an independent hearing officer to 26313
conduct a hearing in accordance with Chapter 119. of the Revised 26314
Code. The hearing shall be conducted within thirty days after 26315
receipt of the notice of appeal. Within forty-five days after the 26316
hearing is completed, the state board of education shall determine 26317
whether the revocation is appropriate based on the hearing 26318
conducted by the independent hearing officer, and if determined 26319
appropriate, the revocation shall be confirmed. 26320

~~(e)~~(d) Entities that receive an overall rating of "poor" 26321

shall have all sponsorship authority revoked. Within thirty days 26322
after receiving a rating of "poor," the entity may appeal the 26323
revocation of its sponsorship authority to the superintendent of 26324
public instruction, who shall appoint an independent hearing 26325
officer to conduct a hearing in accordance with Chapter 119. of 26326
the Revised Code. The hearing shall be conducted within thirty 26327
days after receipt of the notice of appeal. Within forty-five days 26328
after the hearing is completed, the state board of education shall 26329
determine whether the revocation is appropriate based on the 26330
hearing conducted by the independent hearing officer, and if 26331
determined appropriate, the revocation shall be confirmed. 26332

(8) For the 2014-2015 school year and each school year 26333
thereafter, student academic performance prescribed under division 26334
(B)(1)(a) of this section shall include student academic 26335
performance data from community schools that primarily serve 26336
students enrolled in a dropout prevention and recovery program. 26337

(C) If the governing authority of a community school enters 26338
into a contract with a sponsor prior to the date on which the 26339
sponsor is prohibited from sponsoring additional schools under 26340
division (A) of this section and the school has not opened for 26341
operation as of that date, that contract shall be void and the 26342
school shall not open until the governing authority secures a new 26343
sponsor by entering into a contract with the new sponsor under 26344
section 3314.03 of the Revised Code. However, the department's 26345
office of Ohio school sponsorship, established under section 26346
3314.029 of the Revised Code, may assume the sponsorship of the 26347
school until the earlier of the expiration of two school years or 26348
until a new sponsor is secured by the school's governing 26349
authority. A community school sponsored by the department under 26350
this division shall not be included when calculating the maximum 26351
number of directly authorized community schools permitted under 26352
division (A)(3) of section 3314.029 of the Revised Code. 26353

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(b) or (c) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

Sec. 3314.017. (A) The state board of education shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the state board.

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department of education shall

continue to report each school's performance as required by the 26385
act and to enforce applicable sanctions under section 3302.04 or 26386
3302.041 of the Revised Code. 26387

(C) The rules adopted by the state board shall prescribe the 26388
following performance indicators for the rating and report card 26389
system required by this section: 26390

(1) Graduation rate for each of the following student 26391
cohorts: 26392

(a) The number of students who graduate in four years or less 26393
with a regular high school diploma divided by the number of 26394
students who form the adjusted cohort for the graduating class; 26395

(b) The number of students who graduate in five years with a 26396
regular high school diploma divided by the number of students who 26397
form the adjusted cohort for the four-year graduation rate; 26398

(c) The number of students who graduate in six years with a 26399
regular high school diploma divided by the number of students who 26400
form the adjusted cohort for the four-year graduation rate; 26401

(d) The number of students who graduate in seven years with a 26402
regular high school diploma divided by the number of students who 26403
form the adjusted cohort for the four-year graduation rate; 26404

(e) The number of students who graduate in eight years with a 26405
regular high school diploma divided by the number of students who 26406
form the adjusted cohort for the four-year graduation rate. 26407

(2) The percentage of twelfth-grade students currently 26408
enrolled in the school who have attained the designated passing 26409
score on all of the ~~applicable~~ state high school achievement 26410
assessments required under division (B)(1) ~~or (2)~~ of section 26411
3301.0710 of the Revised Code or the cumulative performance score 26412
on the end-of-course examinations prescribed under division (B)(2) 26413
of section 3301.0712 of the Revised Code, whichever applies, and 26414

other students enrolled in the school, regardless of grade level, 26415
who are within three months of their twenty-second birthday and 26416
have attained the designated passing score on all of the 26417
~~applicable~~ state high school achievement assessments or the 26418
cumulative performance score on the end-of-course examinations, 26419
whichever applies, by their twenty-second birthday; 26420

(3) Annual measurable objectives as defined in section 26421
3302.01 of the Revised Code; 26422

(4) Growth in student achievement in reading, or mathematics, 26423
or both as measured by separate nationally norm-referenced 26424
assessments that have developed appropriate standards for students 26425
enrolled in dropout prevention and recovery programs, adopted or 26426
approved by the state board. 26427

(D)(1) The state board's rules shall prescribe the expected 26428
performance levels and benchmarks for each of the indicators 26429
prescribed by division (C) of this section based on the data 26430
gathered by the department under division (F) of this section. 26431
Based on a school's level of attainment or nonattainment of the 26432
expected performance levels and benchmarks for each of the 26433
indicators, the department shall rate each school in one of the 26434
following categories: 26435

(a) Exceeds standards; 26436

(b) Meets standards; 26437

(c) Does not meet standards. 26438

(2) The state board's rules shall establish all of the 26439
following: 26440

(a) Not later than June 30, 2013, performance levels and 26441
benchmarks for the indicators described in divisions (C)(1) to (3) 26442
of this section; 26443

(b) Not later than December 31, 2014, both of the following: 26444

(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;	26445 26446
(ii) Standards for awarding a community school described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	26447 26448 26449
(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.	26450 26451 26452 26453
(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.	26454 26455
(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.	26456 26457
(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.	26458 26459
(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	26460 26461 26462 26463
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	26464 26465 26466 26467
(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A) (4) <u>(2)</u> (a) of section 3314.35 of the Revised Code:	26468 26469 26470 26471 26472 26473
(a) The graduation rates as described in divisions (C)(1)(a)	26474

to (c) of this section;	26475
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	26476 26477 26478 26479
(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;	26480 26481 26482
(d) Annual measurable objectives described in division (C)(3) of this section.	26483 26484
(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A) (4) <u>(2)(a)</u> of section 3314.35 of the Revised Code:	26485 26486 26487 26488
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	26489 26490 26491
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	26492 26493 26494 26495 26496
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	26497 26498 26499
(d) Both of the following without an assigned rating:	26500
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	26501 26502 26503
(ii) Student outcome data, including postsecondary credit	26504

earned, nationally recognized career or technical certification, 26505
military enlistment, job placement, and attendance rate. 26506

(3) Beginning with the 2014-2015 school year, and annually 26507
thereafter, the department shall issue a report card for each 26508
community school described in division (A)~~(4)~~(2)(a) of section 26509
3314.35 of the Revised Code that includes all of the following 26510
performance measures, including a performance rating for each 26511
measure as described in divisions (D)(1)(a) to (c) of this 26512
section: 26513

(a) The graduation rates as described in division (C)(1) of 26514
this section; 26515

(b) The percentage of twelfth-grade students and other 26516
students who have attained a designated passing score on high 26517
school achievement assessments as described in division (C)(2) of 26518
this section; 26519

(c) Annual measurable objectives described in division (C)(3) 26520
of this section, including a performance rating as described in 26521
divisions (D)(1)(a) to (c) of this section; 26522

(d) Growth in annual student achievement in reading and 26523
mathematics as described in division (C)(4) of this section; 26524

(e) An overall performance designation for the school 26525
calculated under rules adopted under division (D)(2) of this 26526
section. 26527

The department shall also include student outcome data, 26528
including postsecondary credit earned, nationally recognized 26529
career or technical certification, military enlistment, job 26530
placement, attendance rate, and progress on closing achievement 26531
gaps for each school. This information shall not be included in 26532
the calculation of a school's performance rating. 26533

(F) In developing the rating and report card system required 26534

by this section, during the 2012-2013 and 2013-2014 school years, 26535
the department shall gather and analyze data as determined 26536
necessary from each community school described in division 26537
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. Each such 26538
school shall cooperate with the department by supplying requested 26539
data and administering required assessments, including sample 26540
assessments for purposes of measuring student achievement growth 26541
as described in division (C)(4) of this section. The department 26542
shall consult with stakeholder groups in performing its duties 26543
under this division. 26544

The department shall also identify one or more states that 26545
have established or are in the process of establishing similar 26546
academic performance rating systems for dropout prevention and 26547
recovery programs and consult with the departments of education of 26548
those states in developing the system required by this section. 26549

(G) Not later than December 31, 2014, the state board shall 26550
review the performance levels and benchmarks for performance 26551
indicators in the report card issued under this section and may 26552
revise them based on the data collected under division (F) of this 26553
section. 26554

(H) For the purposes of division (F) of section 3314.351 of 26555
the Revised Code, the department shall recalculate the ratings for 26556
each school under division (E)(3) of this section for the 26557
2017-2018 school year and calculate the ratings under that 26558
division for the 2018-2019 school year using the indicators 26559
prescribed by division (C) of this section, as it exists on and 26560
after the effective date of this amendment. 26561

Sec. 3314.02. (A) As used in this chapter: 26562

(1) "Sponsor" means the board of education of a school 26563
district or the governing board of an educational service center 26564
that agrees to the conversion of all or part of a school or 26565

building under division (B) of this section, or an entity listed 26566
in division (C)(1) of this section, which has been approved by the 26567
department of education to sponsor community schools or is 26568
exempted by section 3314.021 or 3314.027 of the Revised Code from 26569
obtaining approval, and with which the governing authority of a 26570
community school enters into a contract under section 3314.03 of 26571
the Revised Code. 26572

(2) "Pilot project area" means the school districts included 26573
in the territory of the former community school pilot project 26574
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 26575
the 122nd general assembly. 26576

(3) "Challenged school district" means any of the following: 26577

(a) A school district that is part of the pilot project area; 26578

(b) A school district that meets one of the following 26579
conditions: 26580

(i) On March 22, 2013, the district was in a state of 26581
academic emergency or in a state of academic watch under section 26582
3302.03 of the Revised Code, as that section existed prior to 26583
March 22, 2013; 26584

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 26585
2015-2016 school years, the district received a grade of "D" or 26586
"F" for the performance index score and a grade of "F" for the 26587
value-added progress dimension under section 3302.03 of the 26588
Revised Code; 26589

(iii) For the 2016-2017 school year and for any school year 26590
thereafter, the district has received an overall grade of "D" or 26591
"F" under division (C)(3) of section 3302.03 of the Revised Code, 26592
or, for at least two of the three most recent school years, the 26593
district received a grade of "F" for the value-added progress 26594
dimension under division (C)(1)(e) of that section. 26595

(c) A big eight school district;	26596
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	26597 26598 26599
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	26600 26601
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	26602 26603 26604 26605
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	26606 26607 26608
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	26609 26610 26611 26612 26613
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	26614 26615 26616 26617
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section	26618 26619 26620 26621 26622 26623 26624 26625 26626

3314.086 of the Revised Code. 26627

A community school that operates mainly as an internet- or 26628
computer-based community school and provides career-technical 26629
education under section 3314.086 of the Revised Code shall be 26630
considered an internet- or computer-based community school, even 26631
if it provides some classroom-based instruction, so long as it 26632
provides instruction via the methods described in this division. 26633

(8) "Operator" or "management company" means either of the 26634
following: 26635

(a) An individual or organization that manages the daily 26636
operations of a community school pursuant to a contract between 26637
the operator or management company and the school's governing 26638
authority; 26639

(b) A nonprofit organization that provides programmatic 26640
oversight and support to a community school under a contract with 26641
the school's governing authority and that retains the right to 26642
terminate its affiliation with the school if the school fails to 26643
meet the organization's quality standards. 26644

(9) "Alliance municipal school district" has the same meaning 26645
as in section 3311.86 of the Revised Code. 26646

(B)(1) Any person or group of individuals may initially 26647
propose under this division the conversion of all or a portion of 26648
a public school to a community school. The proposal shall be made 26649
to the board of education of the city, local, exempted village, or 26650
joint vocational school district in which the public school is 26651
proposed to be converted. 26652

(2) Any person or group of individuals may initially propose 26653
under this division the conversion of all or a portion of a 26654
building operated by an educational service center to a community 26655
school. The proposal shall be made to the governing board of the 26656
service center. 26657

On or after July 1, 2017, except as provided in section 26658
3314.027 of the Revised Code, any educational service center that 26659
sponsors a community school shall be approved by and enter into a 26660
written agreement with the department as described in section 26661
3314.015 of the Revised Code. 26662

(3) Upon receipt of a proposal, and after an agreement has 26663
been entered into pursuant to section 3314.015 of the Revised 26664
Code, a board may enter into a preliminary agreement with the 26665
person or group proposing the conversion of the public school or 26666
service center building, indicating the intention of the board to 26667
support the conversion to a community school. A proposing person 26668
or group that has a preliminary agreement under this division may 26669
proceed to finalize plans for the school, establish a governing 26670
authority for the school, and negotiate a contract with the board. 26671
Provided the proposing person or group adheres to the preliminary 26672
agreement and all provisions of this chapter, the board shall 26673
negotiate in good faith to enter into a contract in accordance 26674
with section 3314.03 of the Revised Code and division (C) of this 26675
section. 26676

(4) The sponsor of a conversion community school proposed to 26677
open in an alliance municipal school district shall be subject to 26678
approval by the department of education for sponsorship of that 26679
school using the criteria established under division (A) of 26680
section 3311.87 of the Revised Code. 26681

Division (B)(4) of this section does not apply to a sponsor 26682
that, on or before September 29, 2015, was exempted under section 26683
3314.021 or 3314.027 of the Revised Code from the requirement to 26684
be approved for sponsorship under divisions (A)(2) and (B)(1) of 26685
section 3314.015 of the Revised Code. 26686

(5) A school established in accordance with division (B) of 26687
this section that later enters into a sponsorship contract with an 26688
entity that is not a school district or educational service center 26689

shall, at the time of entering into the new contract, be deemed a 26690
community school established in accordance with division (C) of 26691
this section. 26692

(C)(1) Any person or group of individuals may propose under 26693
this division the establishment of a new start-up school to be 26694
located in a challenged school district. The proposal may be made 26695
to any of the following entities: 26696

(a) The board of education of the district in which the 26697
school is proposed to be located; 26698

(b) The board of education of any joint vocational school 26699
district with territory in the county in which is located the 26700
majority of the territory of the district in which the school is 26701
proposed to be located; 26702

(c) The board of education of any other city, local, or 26703
exempted village school district having territory in the same 26704
county where the district in which the school is proposed to be 26705
located has the major portion of its territory; 26706

(d) The governing board of any educational service center, 26707
regardless of the location of the proposed school, may sponsor a 26708
new start-up school in any challenged school district in the state 26709
if all of the following are satisfied: 26710

(i) If applicable, it satisfies the requirements of division 26711
(E) of section 3311.86 of the Revised Code; 26712

(ii) It is approved to do so by the department; 26713

(iii) It enters into an agreement with the department under 26714
section 3314.015 of the Revised Code. 26715

(e) A sponsoring authority designated by the board of 26716
trustees of any of the thirteen state universities listed in 26717
section 3345.011 of the Revised Code or the board of trustees 26718
itself as long as a mission of the proposed school to be specified 26719

in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the

standards for community schools sponsored by the mayor not later 26751
than one hundred eighty days after July 15, 2013, and shall submit 26752
them to the department upon their establishment. The department 26753
shall approve the mayor to sponsor community schools in the 26754
district, upon receipt of an application by the mayor to do so. 26755
Not later than ninety days after the department's approval of the 26756
mayor as a community school sponsor, the department shall enter 26757
into the sponsor agreement with the mayor. 26758

Any entity described in division (C)(1) of this section may 26759
enter into a preliminary agreement pursuant to division (C)(2) of 26760
this section with the proposing person or group, provided that 26761
entity has been approved by and entered into a written agreement 26762
with the department pursuant to section 3314.015 of the Revised 26763
Code. 26764

(2) A preliminary agreement indicates the intention of an 26765
entity described in division (C)(1) of this section to sponsor the 26766
community school. A proposing person or group that has such a 26767
preliminary agreement may proceed to finalize plans for the 26768
school, establish a governing authority as described in division 26769
(E) of this section for the school, and negotiate a contract with 26770
the entity. Provided the proposing person or group adheres to the 26771
preliminary agreement and all provisions of this chapter, the 26772
entity shall negotiate in good faith to enter into a contract in 26773
accordance with section 3314.03 of the Revised Code. 26774

(3) A new start-up school that is established in a school 26775
district described in either division (A)(3)(b) or (d) of this 26776
section may continue in existence once the school district no 26777
longer meets the conditions described in either division, provided 26778
there is a valid contract between the school and a sponsor. 26779

(4) A copy of every preliminary agreement entered into under 26780
this division shall be filed with the superintendent of public 26781
instruction. 26782

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of 26814
theft in office under section 2921.41 of the Revised Code, or has 26815
pleaded guilty to or been convicted of a substantially similar 26816
offense in another state. 26817

(b) No person shall serve on the governing authority or 26818
engage in the financial day-to-day management of the community 26819
school under contract with the governing authority unless and 26820
until that person has submitted to a criminal records check in the 26821
manner prescribed by section 3319.39 of the Revised Code. 26822

(c) Each sponsor of a community school shall annually verify 26823
that a finding for recovery has not been issued by the auditor of 26824
state against any individual or individuals who propose to create 26825
a community school or any member of the governing authority, the 26826
operator, or any employee of each community school. 26827

(3) No person shall serve on the governing authorities of 26828
more than five start-up community schools at the same time. 26829

(4)(a) For a community school established under this chapter 26830
that is not sponsored by a school district or an educational 26831
service center, no present or former member, or immediate relative 26832
of a present or former member, of the governing authority shall be 26833
an owner, employee, or consultant of the community school's 26834
sponsor or operator, unless at least one year has elapsed since 26835
the conclusion of the person's membership on the governing 26836
authority. 26837

(b) For a community school established under this chapter 26838
that is sponsored by a school district or an educational service 26839
center, no present or former member, or immediate relative of a 26840
present or former member, of the governing authority shall: 26841

(i) Be an officer of the district board or service center 26842
governing board that serves as the community school's sponsor, 26843
unless at least one year has elapsed since the conclusion of the 26844

person's membership on the governing authority; 26845

(ii) Serve as an employee of, or a consultant for, the 26846
department, division, or section of the sponsoring district or 26847
service center that is directly responsible for sponsoring 26848
community schools, or have supervisory authority over such a 26849
department, division, or section, unless at least one year has 26850
elapsed since the conclusion of the person's membership on the 26851
governing authority. 26852

(5) The governing authority of a start-up or conversion 26853
community school may provide by resolution for the compensation of 26854
its members. However, no individual who serves on the governing 26855
authority of a start-up or conversion community school shall be 26856
compensated more than one hundred twenty-five dollars per meeting 26857
of that governing authority and no such individual shall be 26858
compensated more than a total amount of five thousand dollars per 26859
year for all governing authorities upon which the individual 26860
serves. Each member of the governing authority may be paid 26861
compensation for attendance at an approved training program, 26862
provided that such compensation shall not exceed sixty dollars a 26863
day for attendance at a training program three hours or less in 26864
length and one hundred twenty-five dollars a day for attendance at 26865
a training program longer than three hours in length. 26866

(6) No person who is the employee of a school district or 26867
educational service center shall serve on the governing authority 26868
of any community school sponsored by that school district or 26869
service center. 26870

(7) Each member of the governing authority of a community 26871
school shall annually file a disclosure statement setting forth 26872
the names of any immediate relatives or business associates 26873
employed by any of the following within the previous three years: 26874

(a) The sponsor or operator of that community school; 26875

(b) A school district or educational service center that has contracted with that community school; 26876
26877

(c) A vendor that is or has engaged in business with that community school. 26878
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(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school. 26880
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(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date. 26883
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(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district. 26892
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(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a 26901
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contract with any additional community school, unless the 26907
governing board of the service center has entered into an 26908
agreement with the department authorizing the service center to 26909
sponsor a community school in any challenged school district in 26910
the state. 26911

Sec. 3314.0211. (A) No community school to which either of 26912
the following applies shall be eligible to merge with one or more 26913
other community schools under this section: 26914

(1) The school has met the performance criteria for required 26915
closure specified in division (A)(1) of section 3314.35 or 26916
division (A) of section 3314.351 of the Revised Code for at least 26917
one of the two most recent school years. 26918

(2) The school has been notified of the sponsor's intent to 26919
terminate or not renew the school's contract pursuant to section 26920
3314.07 of the Revised Code. 26921

(B) Two or more community schools may merge upon the adoption 26922
of a resolution by the governing authority of each school involved 26923
in the merger. Any merger shall take effect on the first day of 26924
July of the year specified in the resolution. 26925

(C) Not less than sixty days prior to the effective date of a 26926
merger under division (B) of this section, each community school 26927
involved in the merger shall do both of the following: 26928

(1) Provide a copy of the resolution to the school's sponsor; 26929

(2) Notify the department of education of all of the 26930
following: 26931

(a) The impending merger; 26932

(b) The effective date of the merger; 26933

(c) The school that will be designated as the surviving 26934
school in accordance with section 1702.41 of the Revised Code; 26935

<u>(d) The entity that will sponsor the surviving school.</u>	26936
<u>(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.</u>	26937 26938 26939 26940
<u>(E) No sponsor shall do either of the following:</u>	26941
<u>(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;</u>	26942 26943
<u>(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.</u>	26944 26945 26946
<u>Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.</u>	26947 26948 26949
<u>(F)(1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.</u>	26950 26951 26952
<u>(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.</u>	26953 26954 26955 26956 26957 26958
<u>(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.</u>	26959 26960 26961
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed	26962 26963 26964 26965

with the superintendent under this section. 26966

(A) Each contract entered into between a sponsor and the 26967
governing authority of a community school shall specify the 26968
following: 26969

(1) That the school shall be established as either of the 26970
following: 26971

(a) A nonprofit corporation established under Chapter 1702. 26972
of the Revised Code, if established prior to April 8, 2003; 26973

(b) A public benefit corporation established under Chapter 26974
1702. of the Revised Code, if established after April 8, 2003. 26975

(2) The education program of the school, including the 26976
school's mission, the characteristics of the students the school 26977
is expected to attract, the ages and grades of students, and the 26978
focus of the curriculum; 26979

(3) The academic goals to be achieved and the method of 26980
measurement that will be used to determine progress toward those 26981
goals, which shall include the statewide achievement assessments; 26982

(4) Performance standards, including but not limited to all 26983
applicable report card measures set forth in section 3302.03 or 26984
3314.017 of the Revised Code, by which the success of the school 26985
will be evaluated by the sponsor; 26986

(5) The admission standards of section 3314.06 of the Revised 26987
Code and, if applicable, section 3314.061 of the Revised Code; 26988

(6)(a) Dismissal procedures; 26989

(b) A requirement that the governing authority adopt an 26990
attendance policy that includes a procedure for automatically 26991
withdrawing a student from the school if the student without a 26992
legitimate excuse fails to participate in seventy-two consecutive 26993
hours of the learning opportunities offered to the student. 26994

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	26995 26996
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	26997 26998 26999 27000 27001 27002
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	27003 27004
(a) A detailed description of each facility used for instructional purposes;	27005 27006
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	27007 27008
(c) The annual mortgage principal and interest payments that are paid by the school;	27009 27010
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	27011 27012 27013
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	27014 27015 27016 27017 27018 27019
(11) That the school will comply with the following requirements:	27020 27021
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	27022 27023 27024

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 27025
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 27028
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 27032
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 27049
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by 27051
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completing the curriculum adopted by the governing authority of 27057
the community school rather than the curriculum specified in Title 27058
XXXIII of the Revised Code or any rules of the state board of 27059
education. Beginning with students who enter ninth grade for the 27060
first time on or after July 1, 2010, the requirement in sections 27061
3313.61 and 3313.611 of the Revised Code that a person must 27062
successfully complete the curriculum of a high school prior to 27063
receiving a high school diploma shall be met by completing the 27064
requirements prescribed in division (C) of section 3313.603 of the 27065
Revised Code, unless the person qualifies under division (D) or 27066
(F) of that section. Each school shall comply with the plan for 27067
awarding high school credit based on demonstration of subject area 27068
competency, and beginning with the 2017-2018 school year, with the 27069
updated plan that permits students enrolled in seventh and eighth 27070
grade to meet curriculum requirements based on subject area 27071
competency adopted by the state board of education under divisions 27072
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 27073
with the 2018-2019 school year, the school shall comply with the 27074
framework for granting units of high school credit to students who 27075
demonstrate subject area competency through work-based learning 27076
experiences, internships, or cooperative education developed by 27077
the department under division (J)(3) of section 3313.603 of the 27078
Revised Code. 27079

(g) The school governing authority will submit within four 27080
months after the end of each school year a report of its 27081
activities and progress in meeting the goals and standards of 27082
divisions (A)(3) and (4) of this section and its financial status 27083
to the sponsor and the parents of all students enrolled in the 27084
school. 27085

(h) The school, unless it is an internet- or computer-based 27086
community school, will comply with section 3313.801 of the Revised 27087
Code as if it were a school district. 27088

(i) If the school is the recipient of moneys from a grant 27089
awarded under the federal race to the top program, Division (A), 27090
Title XIV, Sections 14005 and 14006 of the "American Recovery and 27091
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 27092
school will pay teachers based upon performance in accordance with 27093
section 3317.141 and will comply with section 3319.111 of the 27094
Revised Code as if it were a school district. 27095

(j) If the school operates a preschool program that is 27096
licensed by the department of education under sections 3301.52 to 27097
3301.59 of the Revised Code, the school shall comply with sections 27098
3301.50 to 3301.59 of the Revised Code and the minimum standards 27099
for preschool programs prescribed in rules adopted by the state 27100
board under section 3301.53 of the Revised Code. 27101

(k) The school will comply with sections 3313.6021 and 27102
3313.6023 of the Revised Code as if it were a school district 27103
unless it is either of the following: 27104

(i) An internet- or computer-based community school; 27105

(ii) A community school in which a majority of the enrolled 27106
students are children with disabilities as described in division 27107
(A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code. 27108

(12) Arrangements for providing health and other benefits to 27109
employees; 27110

(13) The length of the contract, which shall begin at the 27111
beginning of an academic year. No contract shall exceed five years 27112
unless such contract has been renewed pursuant to division (E) of 27113
this section. 27114

(14) The governing authority of the school, which shall be 27115
responsible for carrying out the provisions of the contract; 27116

(15) A financial plan detailing an estimated school budget 27117
for each year of the period of the contract and specifying the 27118

total estimated per pupil expenditure amount for each such year.	27119
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	27120 27121 27122
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	27123 27124 27125 27126 27127 27128 27129 27130 27131 27132 27133
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	27134 27135 27136
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	27137 27138 27139 27140 27141 27142
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	27143 27144
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	27145 27146
(c) Permit the enrollment of students who reside in any other district in the state.	27147 27148

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	27149 27150 27151 27152
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	27153 27154 27155
(22) A provision recognizing both of the following:	27156
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	27157 27158 27159 27160
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	27161 27162 27163 27164 27165 27166 27167
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	27168 27169 27170 27171 27172 27173
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.	27174 27175 27176 27177 27178 27179

(25) Beginning in the 2006-2007 school year, the school will 27180
open for operation not later than the thirtieth day of September 27181
each school year, unless the mission of the school as specified 27182
under division (A)(2) of this section is solely to serve dropouts. 27183
In its initial year of operation, if the school fails to open by 27184
the thirtieth day of September, or within one year after the 27185
adoption of the contract pursuant to division (D) of section 27186
3314.02 of the Revised Code if the mission of the school is solely 27187
to serve dropouts, the contract shall be void. 27188

(26) Whether the school's governing authority is planning to 27189
seek designation for the school as a STEM school equivalent under 27190
section 3326.032 of the Revised Code; 27191

(27) That the school's attendance and participation policies 27192
will be available for public inspection; 27193

(28) That the school's attendance and participation records 27194
shall be made available to the department of education, auditor of 27195
state, and school's sponsor to the extent permitted under and in 27196
accordance with the "Family Educational Rights and Privacy Act of 27197
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 27198
regulations promulgated under that act, and section 3319.321 of 27199
the Revised Code; 27200

(29) If a school operates using the blended learning model, 27201
as defined in section 3301.079 of the Revised Code, all of the 27202
following information: 27203

(a) An indication of what blended learning model or models 27204
will be used; 27205

(b) A description of how student instructional needs will be 27206
determined and documented; 27207

(c) The method to be used for determining competency, 27208
granting credit, and promoting students to a higher grade level; 27209

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	27210 27211
(e) A statement describing how student progress will be monitored;	27212 27213
(f) A statement describing how private student data will be protected;	27214 27215
(g) A description of the professional development activities that will be offered to teachers.	27216 27217
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	27218 27219 27220 27221
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	27222 27223 27224 27225
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	27226 27227 27228 27229 27230
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	27231 27232 27233
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	27234 27235 27236
(1) The process by which the governing authority of the school will be selected in the future;	27237 27238
(2) The management and administration of the school;	27239

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at

least an annual basis;	27271
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	27272 27273 27274 27275
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	27276 27277 27278
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	27279 27280 27281 27282 27283 27284 27285
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	27286 27287 27288
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	27289 27290 27291 27292 27293 27294 27295 27296 27297 27298
(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised	27299 27300 27301

Code or permanently closes prior to the expiration of the 27302
contract, the contract shall be void and the school shall not 27303
enter into a contract with any other sponsor. A school shall not 27304
be considered permanently closed because the operations of the 27305
school have been suspended pursuant to section 3314.072 of the 27306
Revised Code. 27307

Sec. 3314.034. (A) Subject to division (B) of this section, 27308
any community school to which either of the following conditions 27309
apply shall be prohibited from entering into a contract with a new 27310
sponsor: 27311

(1) The community school has received, pursuant to section 27312
3302.038 of the Revised Code, a grade of "D" or "F" for the 27313
performance index score, under division (C)(1)(b) of section 27314
3302.03 of the Revised Code, ~~and~~ or an overall grade of "D" or "F" 27315
for the value-added progress dimension or another measure of 27316
student academic progress if adopted by the state board of 27317
education, under division (C)(1)(e) of that section, on the most 27318
recent report card issued for the school pursuant to that section. 27319

(2) The community school is one in which a majority of the 27320
students are enrolled in a dropout prevention and recovery 27321
program, and it has received a rating of "does not meet standards" 27322
for the annual student growth measure and combined graduation 27323
rates on the most recent report card issued for the school under 27324
section 3314.017 of the Revised Code. 27325

(B) A community school to which division (A) of this section 27326
applies may enter into a contract with a new sponsor if all of the 27327
following conditions are satisfied: 27328

(1) The proposed sponsor received a rating of "effective" or 27329
higher pursuant to division (B)(6) of section 3314.016 of the 27330
Revised Code on its most recent evaluation conducted according to 27331
that section, or the proposed sponsor is the office of Ohio school 27332

sponsorship established in section 3314.029 of the Revised Code.	27333
(2) The community school submits a request to enter into a new contract with a sponsor.	27334 27335
(3) The community school has not submitted a prior request that was granted.	27336 27337
(4) The department grants the school's request pursuant to division (C) of this section.	27338 27339
(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the state board not later than ten days after receiving the decision from the department. The state board shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors.	27340 27341 27342 27343 27344 27345 27346 27347 27348 27349 27350 27351 27352 27353
(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:	27354 27355 27356
(1) The school's impact on the students and the community or communities it serves;	27357 27358
(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;	27359 27360 27361
(3) The sponsor's annual evaluations of the community school	27362

under division (D)(2) of section 3314.03 of the Revised Code for	27363
the previous three years;	27364
(4) The academic performance of the school, taking into	27365
account the demographic information of the students enrolled in	27366
the school;	27367
(5) The academic performance of alternative schools that	27368
serve comparable populations of students as those served by the	27369
community school;	27370
(6) The fiscal stability of the school;	27371
(7) The results of any audits of the school by the auditor of	27372
state;	27373
(8) The length of time the school has been under the	27374
oversight of its current sponsor;	27375
(9) The number of times the school has changed sponsors prior	27376
to the current request;	27377
(10) Parent and student satisfaction rates as demonstrated by	27378
surveys, if available.	27379
Sec. 3314.06. The governing authority of each community	27380
school established under this chapter shall adopt admission	27381
procedures that specify the following:	27382
(A) That, except as otherwise provided in this section,	27383
admission to the school shall be open to any individual age five	27384
to twenty-two entitled to attend school pursuant to section	27385
3313.64 or 3313.65 of the Revised Code in a school district in the	27386
state.	27387
Additionally, except as otherwise provided in this section,	27388
admission to the school may be open on a tuition basis to any	27389
individual age five to twenty-two who is not a resident of this	27390
state. The school shall not receive state funds under section	27391

3314.08 of the Revised Code for any student who is not a resident 27392
of this state. 27393

An individual younger than five years of age may be admitted 27394
to the school in accordance with division (A)(2) of section 27395
3321.01 of the Revised Code. The school shall receive funds for an 27396
individual admitted under that division in the manner provided 27397
under section 3314.08 of the Revised Code. 27398

If the school operates a program that uses the Montessori 27399
method endorsed by the American Montessori society, the Montessori 27400
accreditation council for teacher education, or the association 27401
Montessori internationale as its primary method of instruction, 27402
admission to the school may be open to individuals younger than 27403
five years of age, ~~but~~. The department of education shall pay the 27404
school an amount equal to the formula amount, as defined in 27405
section 3317.02 of the Revised Code, for each of these students 27406
younger than four years of age. However, the school shall not 27407
receive any other funds under this chapter for those individuals. 27408
Notwithstanding anything to the contrary in this chapter, 27409
individuals younger than five years of age who are enrolled in a 27410
Montessori program shall be offered at least four hundred 27411
fifty-five hours of learning opportunities per school year. 27412

If the school operates a preschool program that is licensed 27413
by the department of education under sections 3301.52 to 3301.59 27414
of the Revised Code, admission to the school may be open to 27415
individuals who are younger than five years of age, but the school 27416
shall not receive funds under this chapter for those individuals. 27417

(B)(1) That admission to the school may be limited to 27418
students who have attained a specific grade level or are within a 27419
specific age group; to students that meet a definition of 27420
"at-risk," as defined in the contract; to residents of a specific 27421
geographic area within the district, as defined in the contract; 27422
or to separate groups of autistic students and nondisabled 27423

students, as authorized in section 3314.061 of the Revised Code 27424
and as defined in the contract. 27425

(2) For purposes of division (B)(1) of this section, 27426
"at-risk" students may include those students identified as gifted 27427
students under section 3324.03 of the Revised Code. 27428

(C) Whether enrollment is limited to students who reside in 27429
the district in which the school is located or is open to 27430
residents of other districts, as provided in the policy adopted 27431
pursuant to the contract. 27432

(D)(1) That there will be no discrimination in the admission 27433
of students to the school on the basis of race, creed, color, 27434
disability, or sex except that: 27435

(a) The governing authority may do either of the following 27436
for the purpose described in division (G) of this section: 27437

(i) Establish a single-gender school for either sex; 27438

(ii) Establish single-gender schools for each sex under the 27439
same contract, provided substantially equal facilities and 27440
learning opportunities are offered for both boys and girls. Such 27441
facilities and opportunities may be offered for each sex at 27442
separate locations. 27443

(b) The governing authority may establish a school that 27444
simultaneously serves a group of students identified as autistic 27445
and a group of students who are not disabled, as authorized in 27446
section 3314.061 of the Revised Code. However, unless the total 27447
capacity established for the school has been filled, no student 27448
with any disability shall be denied admission on the basis of that 27449
disability. 27450

(2) That upon admission of any student with a disability, the 27451
community school will comply with all federal and state laws 27452
regarding the education of students with disabilities. 27453

(E) That the school may not limit admission to students on 27454
the basis of intellectual ability, measures of achievement or 27455
aptitude, or athletic ability, except that a school may limit its 27456
enrollment to students as described in division (B) of this 27457
section. 27458

(F) That the community school will admit the number of 27459
students that does not exceed the capacity of the school's 27460
programs, classes, grade levels, or facilities. 27461

(G) That the purpose of single-gender schools that are 27462
established shall be to take advantage of the academic benefits 27463
some students realize from single-gender instruction and 27464
facilities and to offer students and parents residing in the 27465
district the option of a single-gender education. 27466

(H) That, except as otherwise provided under division (B) of 27467
this section or section 3314.061 of the Revised Code, if the 27468
number of applicants exceeds the capacity restrictions of division 27469
(F) of this section, students shall be admitted by lot from all 27470
those submitting applications, except preference shall be given to 27471
students attending the school the previous year and to students 27472
who reside in the district in which the school is located. 27473
Preference may be given to siblings of students attending the 27474
school the previous year. Preference also may be given to students 27475
who are the children of full-time staff members employed by the 27476
school, provided the total number of students receiving this 27477
preference is less than five per cent of the school's total 27478
enrollment. 27479

Notwithstanding divisions (A) to (H) of this section, in the 27480
event the racial composition of the enrollment of the community 27481
school is violative of a federal desegregation order, the 27482
community school shall take any and all corrective measures to 27483
comply with the desegregation order. 27484

Sec. 3314.08. (A) As used in this section:	27485
(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.	27486 27487 27488 27489
(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.	27490 27491 27492
(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.	27493 27494 27495
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.	27496 27497 27498
(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.	27499 27500 27501
(2)(a) "Category one limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (A) of section 3317.016 of the Revised Code.	27502 27503 27504
(b) "Category two limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (B) of section 3317.016 of the Revised Code.	27505 27506 27507
(c) "Category three limited English proficient student <u>learner</u> " means a limited <u>an</u> English proficient student <u>learner</u> described in division (C) of section 3317.016 of the Revised Code.	27508 27509 27510
(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.	27511 27512 27513 27514

(b) "Category two special education student" means a student 27515
who is receiving special education services for a disability 27516
specified in division (B) of section 3317.013 of the Revised Code. 27517

(c) "Category three special education student" means a 27518
student who is receiving special education services for a 27519
disability specified in division (C) of section 3317.013 of the 27520
Revised Code. 27521

(d) "Category four special education student" means a student 27522
who is receiving special education services for a disability 27523
specified in division (D) of section 3317.013 of the Revised Code. 27524

(e) "Category five special education student" means a student 27525
who is receiving special education services for a disability 27526
specified in division (E) of section 3317.013 of the Revised Code. 27527

(f) "Category six special education student" means a student 27528
who is receiving special education services for a disability 27529
specified in division (F) of section 3317.013 of the Revised Code. 27530

(4) "Formula amount" has the same meaning as in section 27531
3317.02 of the Revised Code. 27532

(5) "IEP" has the same meaning as in section 3323.01 of the 27533
Revised Code. 27534

(6) "Resident district" means the school district in which a 27535
student is entitled to attend school under section 3313.64 or 27536
3313.65 of the Revised Code. 27537

(7) "State education aid" has the same meaning as in section 27538
5751.20 of the Revised Code. 27539

(B) The state board of education shall adopt rules requiring 27540
both of the following: 27541

(1) The board of education of each city, exempted village, 27542
and local school district to annually report the number of 27543
students entitled to attend school in the district who are 27544

enrolled in each grade kindergarten through twelve in a community 27545
school established under this chapter, and for each child, the 27546
community school in which the child is enrolled. 27547

(2) The governing authority of each community school 27548
established under this chapter to annually report all of the 27549
following: 27550

(a) The number of students enrolled in grades one through 27551
twelve and the full-time equivalent number of students enrolled in 27552
kindergarten in the school who are not receiving special education 27553
and related services pursuant to an IEP; 27554

(b) The number of enrolled students in grades one through 27555
twelve and the full-time equivalent number of enrolled students in 27556
kindergarten, who are receiving special education and related 27557
services pursuant to an IEP; 27558

(c) The number of students reported under division (B)(2)(b) 27559
of this section receiving special education and related services 27560
pursuant to an IEP for a disability described in each of divisions 27561
(A) to (F) of section 3317.013 of the Revised Code; 27562

(d) The full-time equivalent number of students reported 27563
under divisions (B)(2)(a) and (b) of this section who are enrolled 27564
in career-technical education programs or classes described in 27565
each of divisions (A) to (E) of section 3317.014 of the Revised 27566
Code that are provided by the community school; 27567

(e) The number of students reported under divisions (B)(2)(a) 27568
and (b) of this section who are not reported under division 27569
(B)(2)(d) of this section but who are enrolled in career-technical 27570
education programs or classes described in each of divisions (A) 27571
to (E) of section 3317.014 of the Revised Code at a joint 27572
vocational school district or another district in the 27573
career-technical planning district to which the school is 27574
assigned; 27575

(f) The number of students reported under divisions (B)(2)(a) 27576
and (b) of this section who are category one to three ~~limited~~ 27577
English ~~proficient students~~ learners described in each of 27578
divisions (A) to (C) of section 3317.016 of the Revised Code; 27579

(g) The number of students reported under divisions (B)(2)(a) 27580
and (b) of this section who are economically disadvantaged, as 27581
defined by the department. A student shall not be categorically 27582
excluded from the number reported under division (B)(2)(g) of this 27583
section based on anything other than family income. 27584

(h) For each student, the city, exempted village, or local 27585
school district in which the student is entitled to attend school 27586
under section 3313.64 or 3313.65 of the Revised Code. 27587

(i) The number of students enrolled in a preschool program 27588
operated by the school that is licensed by the department of 27589
education under sections 3301.52 to 3301.59 of the Revised Code 27590
who are not receiving special education and related services 27591
pursuant to an IEP. 27592

A school district board and a community school governing 27593
authority shall include in their respective reports under division 27594
(B) of this section any child admitted in accordance with division 27595
(A)(2) of section 3321.01 of the Revised Code. 27596

A governing authority of a community school shall not include 27597
in its report under divisions (B)(2)(a) to (h) of this section any 27598
student for whom tuition is charged under division (F) of this 27599
section. 27600

(C)(1) Except as provided in division (C)(2) of this section, 27601
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 27602
section, on a full-time equivalency basis, for each student 27603
enrolled in a community school established under this chapter, the 27604
department of education annually shall deduct from the state 27605
education aid of a student's resident district and, if necessary, 27606

from the payment made to the district under sections 321.24 and 27607
323.156 of the Revised Code and pay to the community school the 27608
sum of the following: 27609

(a) An opportunity grant in an amount equal to the formula 27610
amount; 27611

(b) The per pupil amount of targeted assistance funds 27612
calculated under division (A) of section 3317.0217 of the Revised 27613
Code for the student's resident district, as determined by the 27614
department, X 0.25; 27615

(c) Additional state aid for special education and related 27616
services provided under Chapter 3323. of the Revised Code as 27617
follows: 27618

(i) If the student is a category one special education 27619
student, the amount specified in division (A) of section 3317.013 27620
of the Revised Code; 27621

(ii) If the student is a category two special education 27622
student, the amount specified in division (B) of section 3317.013 27623
of the Revised Code; 27624

(iii) If the student is a category three special education 27625
student, the amount specified in division (C) of section 3317.013 27626
of the Revised Code; 27627

(iv) If the student is a category four special education 27628
student, the amount specified in division (D) of section 3317.013 27629
of the Revised Code; 27630

(v) If the student is a category five special education 27631
student, the amount specified in division (E) of section 3317.013 27632
of the Revised Code; 27633

(vi) If the student is a category six special education 27634
student, the amount specified in division (F) of section 3317.013 27635
of the Revised Code. 27636

(d) If the student is in kindergarten through third grade, an additional amount of \$320;	27637 27638
(e) If the student is economically disadvantaged, an additional amount equal to the following:	27639 27640
\$272 X the resident district's economically disadvantaged index	27641 27642
(f) Limited English proficiency <u>learner</u> funds as follows:	27643
(i) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	27644 27645 27646
(ii) If the student is a category two limited English proficient student <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	27647 27648 27649
(iii) If the student is a category three limited English proficient student <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	27650 27651 27652
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	27653 27654
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	27655 27656 27657
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	27658 27659 27660
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	27661 27662 27663
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	27664 27665 27666

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 27667
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 27670
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. 27674
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. 27680
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 27683
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services 27695
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provided to the student in accordance with the student's 27698
individualized education program. Any legal fees, court costs, or 27699
other costs associated with any cause of action relating to the 27700
student may not be included in the amount. 27701

(4) In any fiscal year, a community school receiving funds 27702
under division (C)(1)(g) of this section shall spend those funds 27703
only for the purposes that the department designates as approved 27704
for career-technical education expenses. Career-technical 27705
education expenses approved by the department shall include only 27706
expenses connected to the delivery of career-technical programming 27707
to career-technical students. The department shall require the 27708
school to report data annually so that the department may monitor 27709
the school's compliance with the requirements regarding the manner 27710
in which funding received under division (C)(1)(g) of this section 27711
may be spent. 27712

(5) Notwithstanding anything to the contrary in section 27713
3313.90 of the Revised Code, except as provided in division (C)(9) 27714
of this section, all funds received under division (C)(1)(g) of 27715
this section shall be spent in the following manner: 27716

(a) At least seventy-five per cent of the funds shall be 27717
spent on curriculum development, purchase, and implementation; 27718
instructional resources and supplies; industry-based program 27719
certification; student assessment, credentialing, and placement; 27720
curriculum specific equipment purchases and leases; 27721
career-technical student organization fees and expenses; home and 27722
agency linkages; work-based learning experiences; professional 27723
development; and other costs directly associated with 27724
career-technical education programs including development of new 27725
programs. 27726

(b) Not more than twenty-five per cent of the funds shall be 27727
used for personnel expenditures. 27728

(6) A community school shall spend the funds it receives under division (C)(1)(e) of this section in accordance with section 3317.25 of the Revised Code.

(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following:

(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development

programs in arts and communications that are not 27760
equipment-intensive, as determined by the department. 27761

(D) A board of education sponsoring a community school may 27762
utilize local funds to make enhancement grants to the school or 27763
may agree, either as part of the contract or separately, to 27764
provide any specific services to the community school at no cost 27765
to the school. 27766

(E) A community school may not levy taxes or issue bonds 27767
secured by tax revenues. 27768

(F) No community school shall charge tuition for the 27769
enrollment of any student who is a resident of this state. A 27770
community school may charge tuition for the enrollment of any 27771
student who is not a resident of this state. 27772

(G)(1)(a) A community school may borrow money to pay any 27773
necessary and actual expenses of the school in anticipation of the 27774
receipt of any portion of the payments to be received by the 27775
school pursuant to division (C) of this section. The school may 27776
issue notes to evidence such borrowing. The proceeds of the notes 27777
shall be used only for the purposes for which the anticipated 27778
receipts may be lawfully expended by the school. 27779

(b) A school may also borrow money for a term not to exceed 27780
fifteen years for the purpose of acquiring facilities. 27781

(2) Except for any amount guaranteed under section 3318.50 of 27782
the Revised Code, the state is not liable for debt incurred by the 27783
governing authority of a community school. 27784

(H) The department of education shall adjust the amounts 27785
subtracted and paid under division (C) of this section to reflect 27786
any enrollment of students in community schools for less than the 27787
equivalent of a full school year. The state board of education 27788
within ninety days after April 8, 2003, shall adopt in accordance 27789
with Chapter 119. of the Revised Code rules governing the payments 27790

to community schools under this section including initial payments 27791
in a school year and adjustments and reductions made in subsequent 27792
periodic payments to community schools and corresponding 27793
deductions from school district accounts as provided under 27794
division (C) of this section. For purposes of this section: 27795

(1) A student shall be considered enrolled in the community 27796
school for any portion of the school year the student is 27797
participating at a college under Chapter 3365. of the Revised 27798
Code. 27799

(2) A student shall be considered to be enrolled in a 27800
community school for the period of time beginning on the later of 27801
the date on which the school both has received documentation of 27802
the student's enrollment from a parent and the student has 27803
commenced participation in learning opportunities as defined in 27804
the contract with the sponsor, or thirty days prior to the date on 27805
which the student is entered into the education management 27806
information system established under section 3301.0714 of the 27807
Revised Code. For purposes of applying this division and divisions 27808
(H)(3) and (4) of this section to a community school student, 27809
"learning opportunities" shall be defined in the contract, which 27810
shall describe both classroom-based and non-classroom-based 27811
learning opportunities and shall be in compliance with criteria 27812
and documentation requirements for student participation which 27813
shall be established by the department. Any student's instruction 27814
time in non-classroom-based learning opportunities shall be 27815
certified by an employee of the community school. A student's 27816
enrollment shall be considered to cease on the date on which any 27817
of the following occur: 27818

(a) The community school receives documentation from a parent 27819
terminating enrollment of the student. 27820

(b) The community school is provided documentation of a 27821
student's enrollment in another public or private school. 27822

(c) The community school ceases to offer learning 27823
opportunities to the student pursuant to the terms of the contract 27824
with the sponsor or the operation of any provision of this 27825
chapter. 27826

Except as otherwise specified in this paragraph, beginning in 27827
the 2011-2012 school year, any student who completed the prior 27828
school year in an internet- or computer-based community school 27829
shall be considered to be enrolled in the same school in the 27830
subsequent school year until the student's enrollment has ceased 27831
as specified in division (H)(2) of this section. The department 27832
shall continue subtracting and paying amounts for the student 27833
under division (C) of this section without interruption at the 27834
start of the subsequent school year. However, if the student 27835
without a legitimate excuse fails to participate in the first 27836
seventy-two consecutive hours of learning opportunities offered to 27837
the student in that subsequent school year, the student shall be 27838
considered not to have re-enrolled in the school for that school 27839
year and the department shall recalculate the payments to the 27840
school for that school year to account for the fact that the 27841
student is not enrolled. 27842

(3) The department shall determine each community school 27843
student's percentage of full-time equivalency based on the 27844
percentage of learning opportunities offered by the community 27845
school to that student, reported either as number of hours or 27846
number of days, is of the total learning opportunities offered by 27847
the community school to a student who attends for the school's 27848
entire school year. However, no internet- or computer-based 27849
community school shall be credited for any time a student spends 27850
participating in learning opportunities beyond ten hours within 27851
any period of twenty-four consecutive hours. Whether it reports 27852
hours or days of learning opportunities, each community school 27853
shall offer not less than nine hundred twenty hours of learning 27854

opportunities during the school year. 27855

(4) With respect to the calculation of full-time equivalency 27856
under division (H)(3) of this section, the department shall waive 27857
the number of hours or days of learning opportunities not offered 27858
to a student because the community school was closed during the 27859
school year due to disease epidemic, hazardous weather conditions, 27860
law enforcement emergencies, inoperability of school buses or 27861
other equipment necessary to the school's operation, damage to a 27862
school building, or other temporary circumstances due to utility 27863
failure rendering the school building unfit for school use, so 27864
long as the school was actually open for instruction with students 27865
in attendance during that school year for not less than the 27866
minimum number of hours required by this chapter. The department 27867
shall treat the school as if it were open for instruction with 27868
students in attendance during the hours or days waived under this 27869
division. 27870

(I) The department of education shall reduce the amounts paid 27871
under this section to reflect payments made to colleges under 27872
section 3365.07 of the Revised Code. 27873

(J)(1) No student shall be considered enrolled in any 27874
internet- or computer-based community school or, if applicable to 27875
the student, in any community school that is required to provide 27876
the student with a computer pursuant to division (C) of section 27877
3314.22 of the Revised Code, unless both of the following 27878
conditions are satisfied: 27879

(a) The student possesses or has been provided with all 27880
required hardware and software materials and all such materials 27881
are operational so that the student is capable of fully 27882
participating in the learning opportunities specified in the 27883
contract between the school and the school's sponsor as required 27884
by division (A)(23) of section 3314.03 of the Revised Code; 27885

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.	27886 27887
(2) In accordance with policies adopted by the superintendent of public instruction, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.	27888 27889 27890 27891 27892 27893 27894 27895 27896 27897
The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.	27898 27899 27900 27901
The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.	27902 27903 27904 27905
(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:	27906 27907 27908 27909 27910 27911 27912
(a) The department and the community school mutually agree to the extension.	27913 27914
(b) Delays in data submission caused by either a community school or its sponsor.	27915 27916

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 27947
under section 3301.0711 of the Revised Code but did not take one 27948
or more of the assessments required by that section and was not 27949
excused pursuant to division (C)(1) or (3) of that section, unless 27950
the superintendent of public instruction grants the student a 27951
waiver from the requirement to take the assessment and a parent is 27952
not paying tuition for the student pursuant to section 3314.26 of 27953
the Revised Code. The superintendent may grant a waiver only for 27954
good cause in accordance with rules adopted by the state board of 27955
education. 27956

(4) Any student who has attained the age of twenty-two years, 27957
except for veterans of the armed services whose attendance was 27958
interrupted before completing the recognized twelve-year course of 27959
the public schools by reason of induction or enlistment in the 27960
armed forces and who apply for enrollment in a community school 27961
not later than four years after termination of war or their 27962
honorable discharge. If, however, any such veteran elects to 27963
enroll in special courses organized for veterans for whom tuition 27964
is paid under federal law, or otherwise, the department shall not 27965
subtract from a school district's state aid account and shall not 27966
pay to a community school under division (C) of this section any 27967
amount for that veteran. 27968

Sec. 3314.088. (A) As used in this section: 27969

(1) "Base per pupil amount" has the same meaning as in 27970
section 3317.0219 of the Revised Code. 27971

(2) "Resident district" has the same meaning as in section 27972
3314.08 of the Revised Code. 27973

(B) Subject to division (D) of this section, for fiscal years 27974
2020 and 2021, the department of education shall calculate and pay 27975
to each community school that is not an internet- or 27976
computer-based community school student wellness and success 27977

funds, on a full-time equivalency basis, for each student enrolled 27978
in the school as of the school's payment under section 3314.08 of 27979
the Revised Code in June of the immediately preceding fiscal year 27980
in an amount equal to the following: 27981
(The base per pupil amount of the student's resident district for 27982
that fiscal year + the scaled amount of the student's resident 27983
district, if any, computed under division (B)(4) of section 27984
3317.0219 of the Revised Code) 27985
However, each community school shall receive a minimum 27986
payment of \$25,000, for fiscal year 2020, or \$30,000, for fiscal 27987
year 2021. 27988
(C) Subject to division (D) of this section, for fiscal years 27989
2020 and 2021, the department shall pay student wellness and 27990
success funds to each internet- or computer-based community school 27991
in an amount equal to \$25,000, for fiscal year 2020, or \$30,000, 27992
for fiscal year 2021. 27993
(D) The department shall pay funds under divisions (B) and 27994
(C) of this section as follows: 27995
(1) One-half of the amount shall be paid not later than the 27996
thirty-first day of October of the fiscal year for which the 27997
payment is calculated. 27998
(2) One-half of the amount shall be paid not later than the 27999
twenty-eighth day of February of the fiscal year for which the 28000
payment is calculated. 28001
Upon making a payment for a fiscal year under this section, 28002
the department shall not make any reconciliations or adjustments 28003
to that payment. 28004
(E) A community school that receives a payment under this 28005
section shall comply with section 3317.26 of the Revised Code. 28006
Sec. 3314.102. (A) As used in this section: 28007

~~(1) "Chief executive officer" means a chief executive officer appointed by an academic distress commission pursuant to section 3302.10 of the Revised Code.~~ 28008
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~~(2) "Municipal , "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.~~ 28011
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(B) Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district ~~or a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code~~ shall cease to be subject to any future collective bargaining agreement, if the mayor ~~or chief executive officer~~ submits to the board of education sponsoring the school and to the state employment relations board a statement requesting that all employees of the community school be removed from a collective bargaining unit. The employees of the community school who are covered by a collective bargaining agreement in effect on the date the mayor ~~or chief executive officer~~ submits the statement shall remain subject to that collective bargaining agreement until the collective bargaining agreement expires on its terms. Upon expiration of that collective bargaining agreement, the employees of that school are not subject to Chapter 4117. of the Revised Code and may not organize or collectively bargain pursuant to that chapter. 28013
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Sec. 3314.18. (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible 28033
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under federal requirements for free breakfasts, and shall 28039
establish a lunch program pursuant to those acts if at least 28040
one-fifth of the pupils are eligible for free lunches. The 28041
governing authority required to establish a breakfast program 28042
under this division may make a charge in accordance with federal 28043
requirements for each reduced price breakfast or paid breakfast to 28044
cover the cost incurred in providing that meal. 28045

A breakfast program established under this section shall be 28046
operated in accordance with section 3313.818 of the Revised Code 28047
in any community school meeting the conditions prescribed by that 28048
section. 28049

(B) Subject to division (C) of this section, the governing 28050
authority of each community school shall establish one of the 28051
following for summer intervention services described in division 28052
(D) of section 3301.0711 or provided under section 3313.608 of the 28053
Revised Code, and any other summer intervention program required 28054
by law: 28055

(1) An extension of the school breakfast program pursuant to 28056
the "National School Lunch Act" and the "Child Nutrition Act of 28057
1966"; 28058

(2) An extension of the school lunch program pursuant to 28059
those acts; 28060

(3) A summer food service program pursuant to those acts. 28061

(C) If the governing authority of a community school 28062
determines that, for financial reasons, it cannot comply with 28063
division (A) or (B) of this section, the governing authority may 28064
choose not to comply with either or both divisions. In that case, 28065
the governing authority shall communicate to the parents of its 28066
students, in the manner it determines appropriate, its decision 28067
not to comply. 28068

(D) The governing authority of each community school required 28069

to establish a school breakfast, school lunch, or summer food 28070
service program under this section shall apply for state and 28071
federal funds allocated by the state board of education under 28072
division (B) of section 3313.813 of the Revised Code and shall 28073
comply with the state board's standards adopted under that 28074
division. 28075

(E) The governing authority of any community school required 28076
to establish a breakfast program under this section or that elects 28077
to participate in a breakfast program pursuant to the "National 28078
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 28079
breakfast to pupils in their classrooms during the school day. 28080
However, any community school that is subject to section 3313.818 28081
of the Revised Code shall offer breakfast to pupils in accordance 28082
with that section. 28083

(F) Notwithstanding anything in this section to the contrary, 28084
in each fiscal year in which the general assembly appropriates 28085
funds for purposes of this division, the governing authority of 28086
each community school required to establish a breakfast program 28087
under this section or that elects to participate in a breakfast 28088
program pursuant to the "National School Lunch Act" and the "Child 28089
Nutrition Act of 1966" shall provide a breakfast free of charge to 28090
each pupil who is eligible under federal requirements for a 28091
reduced price breakfast. 28092

(G) This section does not apply to internet- or 28093
computer-based community schools. 28094

Sec. 3314.21. (A) As used in this section: 28095

(1) "Harmful to juveniles" has the same meaning as in section 28096
2907.01 of the Revised Code. 28097

(2) "Obscene" has the same meaning as in division (F) of 28098
section 2907.01 of the Revised Code as that division has been 28099

construed by the supreme court of this state. 28100

(3) "Teacher of record" means a teacher who is responsible 28101
for the overall academic development and achievement of a student 28102
and not merely the student's instruction in any single subject. 28103

(B)~~(1)~~ (1) It is the intent of the general assembly that 28104
teachers employed by internet- or computer-based community schools 28105
conduct visits with their students in person throughout the school 28106
year. 28107

(2) Each internet- or computer-based community school shall 28108
retain an affiliation with at least one full-time teacher of 28109
record licensed in accordance with division (A)(10) of section 28110
3314.03 of the Revised Code. 28111

(3) Each student enrolled in an internet- or computer-based 28112
community school shall be assigned to at least one teacher of 28113
record. No teacher of record shall be primarily responsible for 28114
the academic development and achievement of more than one hundred 28115
twenty-five students enrolled in the internet- or computer-based 28116
community school that has retained that teacher. 28117

(C) For any internet- or computer-based community school, the 28118
contract between the sponsor and the governing authority of the 28119
school described in section 3314.03 of the Revised Code shall 28120
specify each of the following: 28121

(1) A requirement that the school use a filtering device or 28122
install filtering software that protects against internet access 28123
to materials that are obscene or harmful to juveniles on each 28124
computer provided to students for instructional use. The school 28125
shall provide such device or software at no cost to any student 28126
who works primarily from the student's residence on a computer 28127
obtained from a source other than the school. 28128

(2) A plan for fulfilling the intent of the general assembly 28129
specified in division (B)(1) of this section. The plan shall 28130

indicate the number of times teachers will visit each student 28131
throughout the school year and the manner in which those visits 28132
will be conducted. 28133

(3) That the school will set up a central base of operation 28134
and the sponsor will maintain a representative within fifty miles 28135
of that base of operation to provide monitoring and assistance. 28136

(D)(1) Annually, each internet- or computer-based community 28137
school shall prepare and submit to the department of education, in 28138
a time and manner prescribed by the department, a report that 28139
contains information about all of the following: 28140

(a) Classroom size; 28141

(b) The ratio of teachers to students per classroom; 28142

(c) The number of student-teacher meetings conducted in 28143
person or by video conference; 28144

(d) Any other information determined necessary by the 28145
department. 28146

(2) The department annually shall prepare and submit to the 28147
state board of education a report that contains the information 28148
received under division (D)(1) of this section. 28149

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 28150
this section, this section applies to any community school that 28151
meets one of the following criteria after July 1, 2009, but before 28152
July 1, 2011: 28153~~

~~(a) The school does not offer a grade level higher than three 28154
and has been declared to be in a state of academic emergency under 28155
section 3302.03 of the Revised Code for three of the four most 28156
recent school years. 28157~~

~~(b) The school satisfies all of the following conditions: 28158~~

~~(i) The school offers any of grade levels four to eight but 28159~~

~~does not offer a grade level higher than nine.~~ 28160

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 28161
28162
28163

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
of education in accordance with rules adopted under division (A)
of section 3302.021 of the Revised Code.~~ 28164
28165
28166
28167
28168

~~(c) The school offers any of grade levels ten to twelve and
has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for three of the four most
recent school years.~~ 28169
28170
28171
28172

~~(2) Except as provided in division (A)(4) of this section,
this section applies to any community school that meets one of the
following criteria after July 1, 2011, but before July 1, 2013:~~ 28173
28174
28175

~~(a) The school does not offer a grade level higher than three
and has been declared to be in a state of academic emergency under
section 3302.03 of the Revised Code for two of the three most
recent school years.~~ 28176
28177
28178
28179

~~(b) The school satisfies all of the following conditions:~~ 28180

~~(i) The school offers any of grade levels four to eight but
does not offer a grade level higher than nine.~~ 28181
28182

~~(ii) The school has been declared to be in a state of
academic emergency under section 3302.03 of the Revised Code for
two of the three most recent school years.~~ 28183
28184
28185

~~(iii) In at least two of the three most recent school years,
the school showed less than one standard year of academic growth
in either reading or mathematics, as determined by the department
in accordance with rules adopted under division (A) of section~~ 28186
28187
28188
28189

3302.021 of the Revised Code.	28190
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	28191 28192 28193 28194
(3) Except as provided in division (A)(4)(2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:	28195 28196 28197
(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria:	28198 28199 28200
(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;	28201 28202 28203
(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;	28204 28205 28206
(iii)(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.	28207 28208
(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the following criteria:	28209 28210 28211 28212
(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code;	28213 28214 28215 28216 28217 28218
(ii) The <u>the</u> school has received, pursuant to section	28219

3302.038 of the Revised Code, a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) ~~and~~ or a grade of "F" for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code~~;~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.~~

(c) The school offers any of grade levels ten to twelve and, for ~~two of~~ the three most recent school years, ~~satisfies any of~~ the following criteria~~:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii) The the school has received, pursuant to section 3302.038 of the Revised Code, a grade of "F" for either the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) or for the value-added progress dimension measure under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code~~;~~~~

~~(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code.~~

~~For purposes of division (A)(3) of this section only, the department of education shall calculate the value added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code~~

~~for at least the two most recent school years but using~~ 28251
~~value added data from only the most recent school year.~~ 28252

~~(4)(2)~~ This section does not apply to either of the 28253
following: 28254

(a) Any community school in which a majority of the students 28255
are enrolled in a dropout prevention and recovery program that is 28256
operated by the school. Rather, such schools shall be subject to 28257
closure only as provided in section 3314.351 of the Revised Code. 28258
However, prior to July 1, 2014, a community school in which a 28259
majority of the students are enrolled in a dropout prevention and 28260
recovery program shall be exempt from this section only if it has 28261
been granted a waiver under section 3314.36 of the Revised Code. 28262

(b) Any community school in which a majority of the enrolled 28263
students are children with disabilities receiving special 28264
education and related services in accordance with Chapter 3323. of 28265
the Revised Code. 28266

(B) Any community school to which this section applies shall 28267
permanently close at the conclusion of the school year in which 28268
the school first becomes subject to this section. The sponsor and 28269
governing authority of the school shall comply with all procedures 28270
for closing a community school adopted by the department of 28271
education under division (E) of section 3314.015 of the Revised 28272
Code. The governing authority of the school shall not enter into a 28273
contract with any other sponsor under section 3314.03 of the 28274
Revised Code after the school closes. 28275

(C) In accordance with division (B) of section 3314.012 of 28276
the Revised Code, the department shall not consider the 28277
performance ratings assigned to a community school for its first 28278
two years of operation when determining whether the school meets 28279
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 28280

(D) Nothing in this section or in any other provision of the 28281

Revised Code prohibits the sponsor of a community school from 28282
exercising its option not to renew a contract for any reason or 28283
from terminating a contract prior to its expiration for any of the 28284
reasons set forth in section 3314.07 of the Revised Code. 28285

Sec. 3314.351. (A) This section applies to any community 28286
school in which a majority of the students are enrolled in a 28287
dropout prevention and recovery program. ~~Beginning on or after~~ 28288
~~July 1, 2014~~ Except as provided in division (F) of this section, 28289
any such community school that has received a designation of "does 28290
not meet standards," as described in division (D)(1) of section 28291
3314.017 of the Revised Code on the report card issued under that 28292
section, for ~~at least two of~~ the three most recent school years 28293
shall be subject to closure in accordance with this section. 28294

(B) Not later than the first day of September in each school 28295
year, the department of education shall notify each school subject 28296
to closure under this section that the school must close not later 28297
than the thirtieth day of the following June. 28298

A school so notified shall close as required. 28299

(C) A school that opens on or after July 1, 2014, shall not 28300
be subject to closure under this section for its first two years 28301
of operation. A school that is in operation prior to July 1, 2014, 28302
shall not be subject to closure under this section until after 28303
August 31, 2016. 28304

(D) The sponsor and governing authority of the school shall 28305
comply with all procedures for closing a community school adopted 28306
by the department under division (E) of section 3314.015 of the 28307
Revised Code. The governing authority of the school shall not 28308
enter into a contract with any other sponsor under section 3314.03 28309
of the Revised Code after the school closes. 28310

(E) Nothing in this section or in any other provision of the 28311

Revised Code prohibits the sponsor of a community school from 28312
exercising its option not to renew a contract for any reason or 28313
from terminating a contract prior to its expiration for any of the 28314
reasons set forth in section 3314.07 of the Revised Code. 28315

(F) Beginning in the 2019-2020 school year, no school shall 28316
be subject to closure under this section based on the report card 28317
issued for that school for the 2017-2018 or 2018-2019 school year 28318
if the school received an overall rating of "meets standards" or 28319
"exceeds standards" for the 2017-2018 or 2018-2019 school year 28320
pursuant to division (H) of section 3314.017 of the Revised Code. 28321
However, no school permanently closed under this section prior to 28322
the 2019-2020 school year shall be eligible to reopen based on the 28323
calculated or recalculated ratings under division (H) of section 28324
3314.017 of the Revised Code. 28325

Sec. 3314.353. Not later than the first day of October each 28326
year, the department of education shall publish separate lists of 28327
the following: 28328

(A) Community schools that have become subject to permanent 28329
closure under section 3314.35 or 3314.351 of the Revised Code; 28330

(B) Community schools that are at risk of becoming subject to 28331
permanent closure under section 3314.35 or 3314.351 of the Revised 28332
Code if their academic performance, as prescribed in those 28333
sections, does not improve on the next state report cards issued 28334
under section 3302.03 or 3314.017 of the Revised Code; 28335

(C) All "challenged school districts" in which new start-up 28336
community schools may be located, as prescribed in section 3314.02 28337
of the Revised Code. 28338

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 28339
~~students~~ learners shall be as follows: 28340

(A) An amount of \$1,515 for each student who has been 28341

enrolled in schools in the United States for 180 school days or 28342
less and was not previously exempted from taking the spring 28343
administration of either of the state's English language arts 28344
assessments prescribed by section 3301.0710 of the Revised Code 28345
(reading or writing). 28346

(B) An amount of \$1,136 for each student who has been 28347
enrolled in schools in the United States for more than 180 school 28348
days or was previously exempted from taking the spring 28349
administration of either of the state's English language arts 28350
assessments prescribed by section 3301.0710 of the Revised Code 28351
(reading or writing). 28352

(C) An amount of \$758 for each student who does not qualify 28353
for inclusion under division (A) or (B) of this section and is in 28354
a trial-mainstream period, as defined by the department. 28355

Sec. 3317.02. As used in this chapter: 28356

(A)(1) "Category one career-technical education ADM" means 28357
the enrollment of students during the school year on a full-time 28358
equivalency basis in career-technical education programs described 28359
in division (A) of section 3317.014 of the Revised Code and 28360
certified under division (B)(11) or (D)(2)(h) of section 3317.03 28361
of the Revised Code. 28362

(2) "Category two career-technical education ADM" means the 28363
enrollment of students during the school year on a full-time 28364
equivalency basis in career-technical education programs described 28365
in division (B) of section 3317.014 of the Revised Code and 28366
certified under division (B)(12) or (D)(2)(i) of section 3317.03 28367
of the Revised Code. 28368

(3) "Category three career-technical education ADM" means the 28369
enrollment of students during the school year on a full-time 28370
equivalency basis in career-technical education programs described 28371

in division (C) of section 3317.014 of the Revised Code and 28372
certified under division (B)(13) or (D)(2)(j) of section 3317.03 28373
of the Revised Code. 28374

(4) "Category four career-technical education ADM" means the 28375
enrollment of students during the school year on a full-time 28376
equivalency basis in career-technical education programs described 28377
in division (D) of section 3317.014 of the Revised Code and 28378
certified under division (B)(14) or (D)(2)(k) of section 3317.03 28379
of the Revised Code. 28380

(5) "Category five career-technical education ADM" means the 28381
enrollment of students during the school year on a full-time 28382
equivalency basis in career-technical education programs described 28383
in division (E) of section 3317.014 of the Revised Code and 28384
certified under division (B)(15) or (D)(2)(l) of section 3317.03 28385
of the Revised Code. 28386

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 28387
means the full-time equivalent number of ~~limited~~ English 28388
~~proficient students~~ learners described in division (A) of section 28389
3317.016 of the Revised Code and certified under division (B)(16) 28390
or (D)(2)(m) of section 3317.03 of the Revised Code. 28391

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 28392
means the full-time equivalent number of ~~limited~~ English 28393
~~proficient students~~ learners described in division (B) of section 28394
3317.016 of the Revised Code and certified under division (B)(17) 28395
or (D)(2)(n) of section 3317.03 of the Revised Code. 28396

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 28397
means the full-time equivalent number of ~~limited~~ English 28398
~~proficient students~~ learners described in division (C) of section 28399
3317.016 of the Revised Code and certified under division (B)(18) 28400
or (D)(2)(o) of section 3317.03 of the Revised Code. 28401

(C)(1) "Category one special education ADM" means the 28402

full-time equivalent number of children with disabilities 28403
receiving special education services for the disability specified 28404
in division (A) of section 3317.013 of the Revised Code and 28405
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 28406
the Revised Code. 28407

(2) "Category two special education ADM" means the full-time 28408
equivalent number of children with disabilities receiving special 28409
education services for those disabilities specified in division 28410
(B) of section 3317.013 of the Revised Code and certified under 28411
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 28412
Code. 28413

(3) "Category three special education ADM" means the 28414
full-time equivalent number of students receiving special 28415
education services for those disabilities specified in division 28416
(C) of section 3317.013 of the Revised Code, and certified under 28417
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 28418
Code. 28419

(4) "Category four special education ADM" means the full-time 28420
equivalent number of students receiving special education services 28421
for those disabilities specified in division (D) of section 28422
3317.013 of the Revised Code and certified under division (B)(8) 28423
or (D)(2)(e) of section 3317.03 of the Revised Code. 28424

(5) "Category five special education ADM" means the full-time 28425
equivalent number of students receiving special education services 28426
for the disabilities specified in division (E) of section 3317.013 28427
of the Revised Code and certified under division (B)(9) or 28428
(D)(2)(f) of section 3317.03 of the Revised Code. 28429

(6) "Category six special education ADM" means the full-time 28430
equivalent number of students receiving special education services 28431
for the disabilities specified in division (F) of section 3317.013 28432
of the Revised Code and certified under division (B)(10) or 28433

(D)(2)(g) of section 3317.03 of the Revised Code. 28434

(D) "Economically disadvantaged index for a school district" 28435
means the square of the quotient of that district's percentage of 28436
students in its total ADM who are identified as economically 28437
disadvantaged as defined by the department of education, divided 28438
by the percentage of students in the statewide total ADM 28439
identified as economically disadvantaged. For purposes of this 28440
calculation: 28441

(1) For a city, local, or exempted village school district, 28442
the "statewide total ADM" equals the sum of the total ADM for all 28443
city, local, and exempted village school districts combined. 28444

(2) For a joint vocational school district, the "statewide 28445
total ADM" equals the sum of the formula ADM for all joint 28446
vocational school districts combined. 28447

(E)(1) "Formula ADM" means, for a city, local, or exempted 28448
village school district, the enrollment reported under division 28449
(A) of section 3317.03 of the Revised Code, as verified by the 28450
superintendent of public instruction and adjusted if so ordered 28451
under division (K) of that section, and as further adjusted by the 28452
department of education, as follows: 28453

(a) Count only twenty per cent of the number of joint 28454
vocational school district students counted under division (A)(3) 28455
of section 3317.03 of the Revised Code; 28456

(b) Add twenty per cent of the number of students who are 28457
entitled to attend school in the district under section 3313.64 or 28458
3313.65 of the Revised Code and are enrolled in another school 28459
district under a career-technical education compact. 28460

(2) "Formula ADM" means, for a joint vocational school 28461
district, the final number verified by the superintendent of 28462
public instruction, based on the enrollment reported and certified 28463
under division (D) of section 3317.03 of the Revised Code, as 28464

adjusted, if so ordered, under division (K) of that section. 28465

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 28466
\$6,020, for fiscal year 2019. 28467

(G) "FTE basis" means a count of students based on full-time 28468
equivalency, in accordance with rules adopted by the department of 28469
education pursuant to section 3317.03 of the Revised Code. In 28470
adopting its rules under this division, the department shall 28471
provide for counting any student in category one, two, three, 28472
four, five, or six special education ADM or in category one, two, 28473
three, four, or five career-technical education ADM in the same 28474
proportion the student is counted in formula ADM. 28475

(H) "Internet- or computer-based community school" has the 28476
same meaning as in section 3314.02 of the Revised Code. 28477

(I) "Medically fragile child" means a child to whom all of 28478
the following apply: 28479

(1) The child requires the services of a doctor of medicine 28480
or osteopathic medicine at least once a week due to the 28481
instability of the child's medical condition. 28482

(2) The child requires the services of a registered nurse on 28483
a daily basis. 28484

(3) The child is at risk of institutionalization in a 28485
hospital, skilled nursing facility, or intermediate care facility 28486
for individuals with intellectual disabilities. 28487

(J)(1) A child may be identified as having an "other health 28488
impairment-major" if the child's condition meets the definition of 28489
"other health impaired" established in rules previously adopted by 28490
the state board of education and if either of the following apply: 28491

(a) The child is identified as having a medical condition 28492
that is among those listed by the superintendent of public 28493
instruction as conditions where a substantial majority of cases 28494

fall within the definition of "medically fragile child." 28495

(b) The child is determined by the superintendent of public 28496
instruction to be a medically fragile child. A school district 28497
superintendent may petition the superintendent of public 28498
instruction for a determination that a child is a medically 28499
fragile child. 28500

(2) A child may be identified as having an "other health 28501
impairment-minor" if the child's condition meets the definition of 28502
"other health impaired" established in rules previously adopted by 28503
the state board of education but the child's condition does not 28504
meet either of the conditions specified in division (J)(1)(a) or 28505
(b) of this section. 28506

(K) "Preschool child with a disability" means a child with a 28507
disability, as defined in section 3323.01 of the Revised Code, who 28508
is at least age three but is not of compulsory school age, as 28509
defined in section 3321.01 of the Revised Code, and who is not 28510
currently enrolled in kindergarten. 28511

(L) "Preschool scholarship ADM" means the number of preschool 28512
children with disabilities certified under division (B)(3)(h) of 28513
section 3317.03 of the Revised Code. 28514

(M) "Related services" includes: 28515

(1) Child study, special education supervisors and 28516
coordinators, speech and hearing services, adaptive physical 28517
development services, occupational or physical therapy, teacher 28518
assistants for children with disabilities whose disabilities are 28519
described in division (B) of section 3317.013 or division (B)(3) 28520
of this section, behavioral intervention, interpreter services, 28521
work study, nursing services, and specialized integrative services 28522
as those terms are defined by the department; 28523

(2) Speech and language services provided to any student with 28524
a disability, including any student whose primary or only 28525

disability is a speech and language disability;	28526
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	28527 28528 28529
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	28530 28531
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	28532 28533 28534
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	28535 28536
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	28537 28538
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	28539 28540 28541
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	28542 28543 28544 28545
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	28546 28547 28548
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	28549 28550 28551
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	28552 28553
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	28554 28555

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the

amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index; (c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index; (d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index; (e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index; (f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index. (4) Kindergarten through third grade literacy funds calculated according to the following formula: $(\$193 \times \text{formula ADM for grades kindergarten through three} \times \text{the district's state share index}) + (\$127 \times \text{formula ADM for grades kindergarten through three})$ For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three. (5) Economically disadvantaged funds calculated according to the following formula: $\$272 \times (\text{the district's economically disadvantaged index}) \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised}$

Code	28616
(6) Limited English proficiency <u>learner</u> funds calculated as the sum of the following:	28617 28618
(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;	28619 28620 28621
(b) The district's category two limited English proficient <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share index;	28622 28623 28624
(c) The district's category three limited English proficient <u>learner</u> ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share index.	28625 28626 28627
(7)(a) Gifted identification funds calculated according to the following formula:	28628 28629
\$5.05 X the district's formula ADM	28630
(b) Gifted unit funding calculated under section 3317.051 of the Revised Code.	28631 28632
(8) Career-technical education funds calculated as the sum of the following:	28633 28634
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share index;	28635 28636 28637
(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share index;	28638 28639 28640
(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share index;	28641 28642 28643
(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of	28644 28645

the Revised Code X the district's state share index; 28646

(e) The district's category five career-technical education 28647
ADM X the amount specified in division (E) of section 3317.014 of 28648
the Revised Code X the district's state share index. 28649

Payment of funds under division (A)(8) of this section is 28650
subject to approval under section 3317.161 of the Revised Code. 28651

(9) Career-technical education associated services funds 28652
calculated according to the following formula: 28653
The district's state share index X the amount for career-technical 28654
education associated services specified in section 3317.014 of the 28655
Revised Code X the sum of categories one through five 28656
career-technical education ADM 28657

(10) Capacity aid funds calculated under section 3317.0218 of 28658
the Revised Code; 28659

(11) A graduation bonus calculated under section 3317.0215 of 28660
the Revised Code; 28661

(12) A third-grade reading bonus calculated under section 28662
3317.0216 of the Revised Code. 28663

(B) In any fiscal year, a school district shall spend for 28664
purposes that the department designates as approved for special 28665
education and related services expenses at least the amount 28666
calculated as follows: 28667

(The formula amount X the total special education ADM) + (the 28668
district's category one special education ADM X the amount 28669
specified in division (A) of section 3317.013 of the Revised Code) 28670
+ (the district's category two special education ADM X the amount 28671
specified in division (B) of section 3317.013 of the Revised Code) 28672
+ (the district's category three special education ADM X the 28673
amount specified in division (C) of section 3317.013 of the 28674
Revised Code) + (the district's category four special education 28675

ADM X the amount specified in division (D) of section 3317.013 of 28676
the Revised Code) + (the district's category five special 28677
education ADM X the amount specified in division (E) of section 28678
3317.013 of the Revised Code) + (the district's category six 28679
special education ADM X the amount specified in division (F) of 28680
section 3317.013 of the Revised Code) 28681

The purposes approved by the department for special education 28682
expenses shall include, but shall not be limited to, 28683
identification of children with disabilities, compliance with 28684
state rules governing the education of children with disabilities 28685
and prescribing the continuum of program options for children with 28686
disabilities, provision of speech language pathology services, and 28687
the portion of the school district's overall administrative and 28688
overhead costs that are attributable to the district's special 28689
education student population. 28690

The scholarships deducted from the school district's account 28691
under sections 3310.41 and 3310.55 of the Revised Code shall be 28692
considered to be an approved special education and related 28693
services expense for the purpose of the school district's 28694
compliance with this division. 28695

(C) In any fiscal year, a school district receiving funds 28696
under division (A)(8) of this section shall spend those funds only 28697
for the purposes that the department designates as approved for 28698
career-technical education expenses. Career-technical education 28699
expenses approved by the department shall include only expenses 28700
connected to the delivery of career-technical programming to 28701
career-technical students. The department shall require the school 28702
district to report data annually so that the department may 28703
monitor the district's compliance with the requirements regarding 28704
the manner in which funding received under division (A)(8) of this 28705
section may be spent. 28706

(D) In any fiscal year, a school district receiving funds 28707

under division (A)(9) of this section, or through a transfer of 28708
funds pursuant to division (I) of section 3317.023 of the Revised 28709
Code, shall spend those funds only for the purposes that the 28710
department designates as approved for career-technical education 28711
associated services expenses, which may include such purposes as 28712
apprenticeship coordinators, coordinators for other 28713
career-technical education services, career-technical evaluation, 28714
and other purposes designated by the department. The department 28715
may deny payment under division (A)(9) of this section to any 28716
district that the department determines is not operating those 28717
services or is using funds paid under division (A)(9) of this 28718
section, or through a transfer of funds pursuant to division (I) 28719
of section 3317.023 of the Revised Code, for other purposes. 28720

(E) All funds received under division (A)(8) of this section 28721
shall be spent in the following manner: 28722

(1) At least seventy-five per cent of the funds shall be 28723
spent on curriculum development, purchase, and implementation; 28724
instructional resources and supplies; industry-based program 28725
certification; student assessment, credentialing, and placement; 28726
curriculum specific equipment purchases and leases; 28727
career-technical student organization fees and expenses; home and 28728
agency linkages; work-based learning experiences; professional 28729
development; and other costs directly associated with 28730
career-technical education programs including development of new 28731
programs. 28732

(2) Not more than twenty-five per cent of the funds shall be 28733
used for personnel expenditures. 28734

(F) A school district shall spend the funds it receives under 28735
division (A)(5) of this section in accordance with section 3317.25 28736
of the Revised Code. 28737

Sec. 3317.023. (A) The amounts required to be paid to a 28738

district under this chapter shall be adjusted by the amount of the 28739
computations made under divisions (B) to (K) of this section. 28740

As used in this section: 28741

(1) "Career-technical planning district" or "CTPD" means a 28742
school district or group of school districts designated by the 28743
department of education as being responsible for the planning for 28744
and provision of career-technical education services to students 28745
within the district or group. A community school established under 28746
Chapter 3314. of the Revised Code or a STEM school established 28747
under Chapter 3326. of the Revised Code that is serving students 28748
in any of grades seven through twelve shall be assigned to a 28749
career-technical planning district by the department. 28750

(2) "Lead district" means a school district, including a 28751
joint vocational school district, designated by the department as 28752
a CTPD, or designated to provide primary career-technical 28753
education leadership within a CTPD composed of a group of 28754
districts, community schools assigned to the CTPD, and STEM 28755
schools assigned to the CTPD. 28756

(B) If a local, city, or exempted village school district to 28757
which a governing board of an educational service center provides 28758
services pursuant to an agreement entered into under section 28759
3313.843 of the Revised Code, deduct the amount of the payment 28760
required for the reimbursement of the governing board under that 28761
section. 28762

(C)(1) If the district is required to pay to or entitled to 28763
receive tuition from another school district under division (C)(2) 28764
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 28765
or if the superintendent of public instruction is required to 28766
determine the correct amount of tuition and make a deduction or 28767
credit under section 3317.08 of the Revised Code, deduct and 28768
credit such amounts as provided in division (J) of section 3313.64 28769

or section 3317.08 of the Revised Code. 28770

(2) For each child for whom the district is responsible for 28771
tuition or payment under division (A)(1) of section 3317.082 or 28772
section 3323.091 of the Revised Code, deduct the amount of tuition 28773
or payment for which the district is responsible. 28774

(D) If the district has been certified by the superintendent 28775
of public instruction under section 3313.90 of the Revised Code as 28776
not in compliance with the requirements of that section, deduct an 28777
amount equal to ten per cent of the amount computed for the 28778
district under this chapter. 28779

(E) If the district has received a loan from a commercial 28780
lending institution for which payments are made by the 28781
superintendent of public instruction pursuant to division (E)(3) 28782
of section 3313.483 of the Revised Code, deduct an amount equal to 28783
such payments. 28784

(F)(1) If the district is a party to an agreement entered 28785
into under division (D), (E), or (F) of section 3311.06 or 28786
division (B) of section 3311.24 of the Revised Code and is 28787
obligated to make payments to another district under such an 28788
agreement, deduct an amount equal to such payments if the district 28789
school board notifies the department in writing that it wishes to 28790
have such payments deducted. 28791

(2) If the district is entitled to receive payments from 28792
another district that has notified the department to deduct such 28793
payments under division (F)(1) of this section, add the amount of 28794
such payments. 28795

(G) If the district is required to pay an amount of funds to 28796
a cooperative education district pursuant to a provision described 28797
by division (B)(4) of section 3311.52 or division (B)(8) of 28798
section 3311.521 of the Revised Code, deduct such amounts as 28799
provided under that provision and credit those amounts to the 28800

cooperative education district for payment to the district under 28801
division (B)(1) of section 3317.19 of the Revised Code. 28802

(H)(1) If a district is educating a student entitled to 28803
attend school in another district pursuant to a shared education 28804
contract, compact, or cooperative education agreement other than 28805
an agreement entered into pursuant to section 3313.842 of the 28806
Revised Code, credit to that educating district on an FTE basis 28807
both of the following: 28808

(a) An amount equal to the formula amount. 28809

(b) Any amount applicable to the student pursuant to section 28810
3317.013 or 3317.014 of the Revised Code. 28811

(2) Deduct any amount credited pursuant to division (H)(1) of 28812
this section from amounts paid to the school district in which the 28813
student is entitled to attend school pursuant to section 3313.64 28814
or 3313.65 of the Revised Code. 28815

(3) If the district is required by a shared education 28816
contract, compact, or cooperative education agreement to make 28817
payments to an educational service center, deduct the amounts from 28818
payments to the district and add them to the amounts paid to the 28819
service center ~~pursuant to section 3317.11 of the Revised Code.~~ 28820

(I)(1) If a district, including a joint vocational school 28821
district, is a lead district of a CTPD, credit to that district 28822
the amount calculated for each school district within that CTPD 28823
under division (A)(9) of section 3317.022 of the Revised Code or 28824
division (A)(6) of section 3317.16 of the Revised Code, as 28825
applicable. 28826

(2) Deduct from each appropriate district that is not a lead 28827
district, the amount attributable to that district that is 28828
credited to a lead district under division (I)(1) of this section. 28829

(J) If the department pays a joint vocational school district 28830

under division (C)(3) of section 3317.16 of the Revised Code for 28831
excess costs of providing special education and related services 28832
to a student with a disability, as calculated under division 28833
(C)(1) of that section, the department shall deduct the amount of 28834
that payment from the city, local, or exempted village school 28835
district that is responsible as specified in that section for the 28836
excess costs. 28837

(K)(1) If the district reports an amount of excess cost for 28838
special education services for a child under division (C) of 28839
section 3323.14 of the Revised Code, the department shall pay that 28840
amount to the district. 28841

(2) If the district reports an amount of excess cost for 28842
special education services for a child under division (C) of 28843
section 3323.14 of the Revised Code, the department shall deduct 28844
that amount from the district of residence of that child. 28845

Sec. 3317.028. (A) On or before May 15, 2007, and the 28846
fifteenth day of May in each calendar year thereafter, the tax 28847
commissioner shall determine for each school district whether the 28848
taxable value of all utility tangible personal property subject to 28849
taxation by the district in the preceding tax year was less ~~or~~ 28850
~~greater~~ than the taxable value of such property during the second 28851
preceding tax year. If any decrease exceeds ten per cent of the 28852
district's tangible personal property taxable value included in 28853
the total taxable value used in the district's state aid 28854
computation for the fiscal year that ends in the current calendar 28855
year, ~~or if any increase exceeds ten per cent of the district's~~ 28856
~~total taxable value used in the district's state education aid~~ 28857
~~computation for the fiscal year that ends in the current calendar~~ 28858
~~year,~~ the tax commissioner shall certify all of the following to 28859
the department of education and the office of budget and 28860
management: 28861

(1) The district's total taxable value for the preceding tax year;	28862 28863
(2) The decrease or increase <u>change</u> in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;	28864 28865 28866
(3) The taxable value of the utility tangible personal property increase or decrease, which shall be considered a change in valuation;	28867 28868 28869
(4) The decrease or increase <u>change</u> in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.	28870 28871 28872 28873
(B) (1) Upon receipt of a certification specified in this section, the department of education shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation. Subject to division (B)(2) of this section, the <u>The</u> department shall pay to or deduct from the district an amount equal to the lesser of the following:	28874 28875 28876 28877 28878 28879 28880 28881 28882 28883 28884
(a) <u>(1)</u> The <u>positive</u> difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid;	28885 28886 28887
(b) <u>(2)</u> The increase or decrease <u>absolute value of the amount</u> certified under division (A)(2) of this section.	28888 28889
The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current	28890 28891 28892

fiscal year and not later than the thirty-first day of July of the 28893
following fiscal year. The department of education shall not pay 28894
the district under this section prior to approval by the director 28895
of budget and management to make that payment. 28896

~~(2)(a) If an increase in the taxable value of the utility 28897
tangible personal property is certified for a district under 28898
division (A)(2) of this section, the department shall not make a 28899
payment to the district under division (B)(1) of this section. The 28900
department may, however, deduct funds from the district under 28901
division (B)(1) of this section. 28902~~

~~(b) If a decrease in the taxable value of the utility 28903
tangible personal property is certified for a district under 28904
division (A)(2) of this section, the department shall not deduct 28905
funds from the district under division (B)(1) of this section. The 28906
department may, however, make a payment to the district under 28907
division (B)(1) of this section. 28908~~

(C) If a school district received a grant from the 28909
catastrophic expenditures account pursuant to division (C) of 28910
section 3316.20 of the Revised Code on the basis of the same 28911
circumstances for which a recomputation is made under this 28912
section, the amount of the recomputation shall be reduced and 28913
transferred in accordance with division (C) of section 3316.20 of 28914
the Revised Code. 28915

Sec. 3317.0219. (A) As used in this section: 28916

(1) A district's "base per pupil amount" means the following: 28917

(a) For a district in the highest quintile determined under 28918
division (B)(2) of this section, \$250, for fiscal year 2020, and 28919
\$300, for fiscal year 2021. 28920

(b) For a district in the second highest quintile determined 28921
under division (B)(2) of this section, \$200, for fiscal year 2020, 28922

<u>and \$240, for fiscal year 2021.</u>	28923
<u>(c) For a district in the third highest quintile determined</u>	28924
<u>under division (B)(2) of this section, \$110, for fiscal year 2020,</u>	28925
<u>and \$130, for fiscal year 2021.</u>	28926
<u>(d) For a district in the fourth highest quintile determined</u>	28927
<u>under division (B)(2) of this section, \$50, for fiscal year 2020,</u>	28928
<u>and \$60, for fiscal year 2021.</u>	28929
<u>(e) For a district in the fifth highest quintile determined</u>	28930
<u>under division (B)(2) of this section, \$20, for fiscal year 2020,</u>	28931
<u>and \$25, for fiscal year 2021.</u>	28932
<u>(2) "Base poverty percentage" for a quintile determined under</u>	28933
<u>division (B)(2) of this section means the poverty percentage of</u>	28934
<u>the district ranked lowest in that quintile.</u>	28935
<u>(3) "Enrolled ADM" means, for a city, local, or exempted</u>	28936
<u>village school district, the enrollment reported under division</u>	28937
<u>(A) of section 3317.03 of the Revised Code, as verified by the</u>	28938
<u>superintendent of public instruction and adjusted if so ordered</u>	28939
<u>under division (K) of that section, and as further adjusted by the</u>	28940
<u>department of education, as follows:</u>	28941
<u>(a) Add the students counted under division (A)(1)(b) of</u>	28942
<u>section 3317.03 of the Revised Code.</u>	28943
<u>(b) Subtract the students counted under divisions (A)(2)(a),</u>	28944
<u>(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised</u>	28945
<u>Code.</u>	28946
<u>(c) Subtract the students counted under division (A)(3) of</u>	28947
<u>section 3317.03 of the Revised Code.</u>	28948
<u>(B) Subject to division (C) of this section, for fiscal years</u>	28949
<u>2020 and 2021, the department of education shall calculate and pay</u>	28950
<u>student wellness and success funds to city, local, and exempted</u>	28951
<u>village school districts as follows:</u>	28952

(1) Using the most recent five-year estimates published by 28953
the United States census bureau in the American community survey 28954
or its successor report, compute the poverty percentage for each 28955
district, which equals the following quotient: 28956
The number of children younger than eighteen years old residing in 28957
the district who live in a household with a family income below 28958
one hundred eighty-five per cent of the federal poverty 28959
guidelines, as defined in section 5101.46 of the Revised Code / 28960
the total number of children younger than eighteen years old 28961
residing in the district 28962

(2) Rank all city, local, and exempted village school 28963
districts in order of poverty percentage calculated under division 28964
(B)(1) of this section, from the district with the highest 28965
percentage to the district with the lowest percentage, and group 28966
the districts into quintiles. 28967

(3) Determine each district's enrolled ADM that was used for 28968
the second payment under Chapter 3317. of the Revised Code in June 28969
of the immediately preceding fiscal year. If a district's enrolled 28970
ADM that was used for the second payment under Chapter 3317. of 28971
the Revised Code in June of the immediately preceding fiscal year 28972
is determined to be less than five, the district's enrolled ADM, 28973
for purposes of computations under this section, shall be zero. 28974

(4) For each district that is not in the highest quintile 28975
determined under division (B)(2) of this section, compute the 28976
district's scaled amount, which is equal to the following 28977
quotient: 28978
[(The district's poverty percentage computed under division (B)(1) 28979
of this section - the base poverty percentage of the district's 28980
quintile) / (the base poverty percentage of the quintile that is 28981
the next highest quintile compared to the district's quintile - 28982
the base poverty percentage of the district's quintile)] X (the 28983
base per pupil amount for a district in the quintile that is the 28984

<u>next highest quintile compared to the district's quintile - the</u>	28985
<u>district's base per pupil amount)</u>	28986
<u>(5) Compute a district's payment as follows:</u>	28987
<u>(a) Subject to division (B)(5)(c) of this section, if a</u>	28988
<u>district is in the highest quintile determined under division</u>	28989
<u>(B)(2) of this section, the district's payment shall be equal to</u>	28990
<u>the following amount:</u>	28991
<u>The district's base per pupil amount for that fiscal year X the</u>	28992
<u>district's enrolled ADM determined under division (B)(3) of this</u>	28993
<u>section</u>	28994
<u>(b) Subject to division (B)(5)(c) of this section, if a</u>	28995
<u>district is not in the highest quintile determined under division</u>	28996
<u>(B)(2) of this section, the district's payment shall be equal to</u>	28997
<u>the following amount:</u>	28998
<u>(The district's base per pupil amount for that fiscal year + the</u>	28999
<u>district's scaled amount computed under division (B)(4) of this</u>	29000
<u>section for that fiscal year) X the district's enrolled ADM</u>	29001
<u>determined under division (B)(3) of this section</u>	29002
<u>(c) If the computation of a district's payment under division</u>	29003
<u>(B)(5)(a) or (b) of this section is greater than zero but less</u>	29004
<u>than \$25,000, for fiscal year 2020, or \$30,000, for fiscal year</u>	29005
<u>2021, the district's payment shall be equal to \$25,000, for fiscal</u>	29006
<u>year 2020, or \$30,000, for fiscal year 2021.</u>	29007
<u>If the computation of a district's payment under division</u>	29008
<u>(B)(5)(a) or (b) of this section is equal to zero, the district's</u>	29009
<u>payment shall be equal to zero.</u>	29010
<u>(C) The department shall pay funds under division (B) of this</u>	29011
<u>section as follows:</u>	29012
<u>(1) One-half of the amount shall be paid not later than the</u>	29013
<u>thirty-first day of October of the fiscal year for which the</u>	29014
<u>payment is calculated.</u>	29015

(2) One-half of the amount shall be paid not later than the 29016
twenty-eighth day of February of the fiscal year for which the 29017
payment is calculated. 29018

Upon making a payment for a fiscal year under this section, 29019
the department shall not make any reconciliations or adjustments 29020
to that payment. 29021

(D) A city, local, or exempted village school district that 29022
receives a payment under this section shall comply with section 29023
3317.26 of the Revised Code. 29024

Sec. 3317.03. (A) The superintendent of each city, local, and 29025
exempted village school district shall report to the state board 29026
of education as of the last day of October, March, and June of 29027
each year the enrollment of students receiving services from 29028
schools under the superintendent's supervision, and the numbers of 29029
other students entitled to attend school in the district under 29030
section 3313.64 or 3313.65 of the Revised Code the superintendent 29031
is required to report under this section, so that the department 29032
of education can calculate the district's formula ADM, total ADM, 29033
category one through five career-technical education ADM, category 29034
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 29035
one through six special education ADM, preschool scholarship ADM, 29036
transportation ADM, and, for purposes of provisions of law outside 29037
of Chapter 3317. of the Revised Code, average daily membership. 29038

(1) The enrollment reported by the superintendent during the 29039
reporting period shall consist of the number of students in grades 29040
kindergarten through twelve receiving any educational services 29041
from the district, except that the following categories of 29042
students shall not be included in the determination: 29043

(a) Students enrolled in adult education classes; 29044

(b) Adjacent or other district students enrolled in the 29045

district under an open enrollment policy pursuant to section	29046
3313.98 of the Revised Code;	29047
(c) Students receiving services in the district pursuant to a	29048
compact, cooperative education agreement, or a contract, but who	29049
are entitled to attend school in another district pursuant to	29050
section 3313.64 or 3313.65 of the Revised Code;	29051
(d) Students for whom tuition is payable pursuant to sections	29052
3317.081 and 3323.141 of the Revised Code;	29053
(e) Students receiving services in the district through a	29054
scholarship awarded under either section 3310.41 or sections	29055
3310.51 to 3310.64 of the Revised Code.	29056
When reporting students under division (A)(1) of this	29057
section, the superintendent also shall report the district where	29058
each student is entitled to attend school pursuant to sections	29059
3313.64 and 3313.65 of the Revised Code.	29060
(2) The department of education shall compile a list of all	29061
students reported to be enrolled in a district under division	29062
(A)(1) of this section and of the students entitled to attend	29063
school in the district pursuant to section 3313.64 or 3313.65 of	29064
the Revised Code on an FTE basis but receiving educational	29065
services in grades kindergarten through twelve from one or more of	29066
the following entities:	29067
(a) A community school pursuant to Chapter 3314. of the	29068
Revised Code, including any participation in a college pursuant to	29069
Chapter 3365. of the Revised Code while enrolled in such community	29070
school;	29071
(b) An alternative school pursuant to sections 3313.974 to	29072
3313.979 of the Revised Code as described in division (I)(2)(a) or	29073
(b) of this section;	29074
(c) A college pursuant to Chapter 3365. of the Revised Code,	29075

except when the student is enrolled in the college while also 29076
enrolled in a community school pursuant to Chapter 3314., a 29077
science, technology, engineering, and mathematics school 29078
established under Chapter 3326., or a college-preparatory boarding 29079
school established under Chapter 3328. of the Revised Code; 29080

(d) An adjacent or other school district under an open 29081
enrollment policy adopted pursuant to section 3313.98 of the 29082
Revised Code; 29083

(e) An educational service center or cooperative education 29084
district; 29085

(f) Another school district under a cooperative education 29086
agreement, compact, or contract; 29087

(g) A chartered nonpublic school with a scholarship paid 29088
under section 3310.08 of the Revised Code, if the students 29089
qualified for the scholarship under section 3310.03 of the Revised 29090
Code; 29091

(h) An alternative public provider or a registered private 29092
provider with a scholarship awarded under either section 3310.41 29093
or sections 3310.51 to 3310.64 of the Revised Code. 29094

As used in this section, "alternative public provider" and 29095
"registered private provider" have the same meanings as in section 29096
3310.41 or 3310.51 of the Revised Code, as applicable. 29097

(i) A science, technology, engineering, and mathematics 29098
school established under Chapter 3326. of the Revised Code, 29099
including any participation in a college pursuant to Chapter 3365. 29100
of the Revised Code while enrolled in the school; 29101

(j) A college-preparatory boarding school established under 29102
Chapter 3328. of the Revised Code, including any participation in 29103
a college pursuant to Chapter 3365. of the Revised Code while 29104
enrolled in the school. 29105

(3) The department also shall compile a list of the students 29106
entitled to attend school in the district under section 3313.64 or 29107
3313.65 of the Revised Code who are enrolled in a joint vocational 29108
school district or under a career-technical education compact, 29109
excluding any students so entitled to attend school in the 29110
district who are enrolled in another school district through an 29111
open enrollment policy as reported under division (A)(2)(d) of 29112
this section and then enroll in a joint vocational school district 29113
or under a career-technical education compact. 29114

The department shall provide each city, local, and exempted 29115
village school district with an opportunity to review the list of 29116
students compiled under divisions (A)(2) and (3) of this section 29117
to ensure that the students reported accurately reflect the 29118
enrollment of students in the district. 29119

(B) To enable the department of education to obtain the data 29120
needed to complete the calculation of payments pursuant to this 29121
chapter, each superintendent shall certify from the reports 29122
provided by the department under division (A) of this section all 29123
of the following: 29124

(1) The total student enrollment in regular learning day 29125
classes included in the report under division (A)(1) or (2) of 29126
this section for each of the individual grades kindergarten 29127
through twelve in schools under the superintendent's supervision; 29128

(2) The unduplicated count of the number of preschool 29129
children with disabilities enrolled in the district for whom the 29130
district is eligible to receive funding under section 3317.0213 of 29131
the Revised Code adjusted for the portion of the year each child 29132
is so enrolled, in accordance with the disability categories 29133
prescribed in section 3317.013 of the Revised Code; 29134

(3) The number of children entitled to attend school in the 29135
district pursuant to section 3313.64 or 3313.65 of the Revised 29136

Code who are:	29137
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	29138 29139 29140
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	29141 29142 29143 29144 29145 29146 29147
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	29148 29149
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	29150 29151 29152 29153 29154 29155
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	29156 29157 29158 29159
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	29160 29161 29162 29163
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	29164 29165 29166

(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	29167 29168 29169
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	29170 29171
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	29172 29173 29174 29175
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	29176 29177 29178 29179
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	29180 29181 29182
(4) The total enrollment of pupils in joint vocational schools;	29183 29184
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	29185 29186 29187 29188 29189 29190 29191 29192
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an	29193 29194 29195 29196 29197

alternative public provider or a registered private provider with 29198
a scholarship awarded under sections 3310.51 to 3310.64 of the 29199
Revised Code; 29200

(7) The combined enrollment of children with disabilities 29201
reported under division (A)(1) or (2) of this section receiving 29202
special education services for category three disabilities 29203
described in division (C) of section 3317.013 of the Revised Code, 29204
including children attending a special education program operated 29205
by an alternative public provider or a registered private provider 29206
with a scholarship awarded under sections 3310.51 to 3310.64 of 29207
the Revised Code; 29208

(8) The combined enrollment of children with disabilities 29209
reported under division (A)(1) or (2) of this section receiving 29210
special education services for category four disabilities 29211
described in division (D) of section 3317.013 of the Revised Code, 29212
including children attending a special education program operated 29213
by an alternative public provider or a registered private provider 29214
with a scholarship awarded under sections 3310.51 to 3310.64 of 29215
the Revised Code; 29216

(9) The combined enrollment of children with disabilities 29217
reported under division (A)(1) or (2) of this section receiving 29218
special education services for the category five disabilities 29219
described in division (E) of section 3317.013 of the Revised Code, 29220
including children attending a special education program operated 29221
by an alternative public provider or a registered private provider 29222
with a scholarship awarded under sections 3310.51 to 3310.64 of 29223
the Revised Code; 29224

(10) The combined enrollment of children with disabilities 29225
reported under division (A)(1) or (2) and under division (B)(3)(h) 29226
of this section receiving special education services for category 29227
six disabilities described in division (F) of section 3317.013 of 29228
the Revised Code, including children attending a special education 29229

program operated by an alternative public provider or a registered 29230
private provider with a scholarship awarded under either section 29231
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 29232

(11) The enrollment of pupils reported under division (A)(1) 29233
or (2) of this section on a full-time equivalency basis in 29234
category one career-technical education programs or classes, 29235
described in division (A) of section 3317.014 of the Revised Code, 29236
operated by the school district or by another district that is a 29237
member of the district's career-technical planning district, other 29238
than a joint vocational school district, or by an educational 29239
service center, notwithstanding division (G) of section 3317.02 of 29240
the Revised Code and division (C)(3) of this section; 29241

(12) The enrollment of pupils reported under division (A)(1) 29242
or (2) of this section on a full-time equivalency basis in 29243
category two career-technical education programs or services, 29244
described in division (B) of section 3317.014 of the Revised Code, 29245
operated by the school district or another school district that is 29246
a member of the district's career-technical planning district, 29247
other than a joint vocational school district, or by an 29248
educational service center, notwithstanding division (G) of 29249
section 3317.02 of the Revised Code and division (C)(3) of this 29250
section; 29251

(13) The enrollment of pupils reported under division (A)(1) 29252
or (2) of this section on a full-time equivalency basis in 29253
category three career-technical education programs or services, 29254
described in division (C) of section 3317.014 of the Revised Code, 29255
operated by the school district or another school district that is 29256
a member of the district's career-technical planning district, 29257
other than a joint vocational school district, or by an 29258
educational service center, notwithstanding division (G) of 29259
section 3317.02 of the Revised Code and division (C)(3) of this 29260
section; 29261

(14) The enrollment of pupils reported under division (A)(1) 29262
or (2) of this section on a full-time equivalency basis in 29263
category four career-technical education programs or services, 29264
described in division (D) of section 3317.014 of the Revised Code, 29265
operated by the school district or another school district that is 29266
a member of the district's career-technical planning district, 29267
other than a joint vocational school district, or by an 29268
educational service center, notwithstanding division (G) of 29269
section 3317.02 of the Revised Code and division (C)(3) of this 29270
section; 29271

(15) The enrollment of pupils reported under division (A)(1) 29272
or (2) of this section on a full-time equivalency basis in 29273
category five career-technical education programs or services, 29274
described in division (E) of section 3317.014 of the Revised Code, 29275
operated by the school district or another school district that is 29276
a member of the district's career-technical planning district, 29277
other than a joint vocational school district, or by an 29278
educational service center, notwithstanding division (G) of 29279
section 3317.02 of the Revised Code and division (C)(3) of this 29280
section; 29281

(16) The enrollment of pupils reported under division (A)(1) 29282
or (2) of this section who are ~~limited English proficient students~~ 29283
learners described in division (A) of section 3317.016 of the 29284
Revised Code, excluding any student reported under division 29285
(B)(3)(e) of this section as enrolled in an internet- or 29286
computer-based community school; 29287

(17) The enrollment of pupils reported under division (A)(1) 29288
or (2) of this section who are ~~limited English proficient students~~ 29289
learners described in division (B) of section 3317.016 of the 29290
Revised Code, excluding any student reported under division 29291
(B)(3)(e) of this section as enrolled in an internet- or 29292
computer-based community school; 29293

(18) The enrollment of pupils reported under division (A)(1)	29294
or (2) of this section who are limited English proficient students	29295
<u>learners</u> described in division (C) of section 3317.016 of the	29296
Revised Code, excluding any student reported under division	29297
(B)(3)(e) of this section as enrolled in an internet- or	29298
computer-based community school;	29299
(19) The average number of children transported during the	29300
reporting period by the school district on board-owned or	29301
contractor-owned and -operated buses, reported in accordance with	29302
rules adopted by the department of education;	29303
(20)(a) The number of children, other than preschool children	29304
with disabilities, the district placed with a county board of	29305
developmental disabilities in fiscal year 1998. Division	29306
(B)(20)(a) of this section does not apply after fiscal year 2013.	29307
(b) The number of children with disabilities, other than	29308
preschool children with disabilities, placed with a county board	29309
of developmental disabilities in the current fiscal year to	29310
receive special education services for the category one disability	29311
described in division (A) of section 3317.013 of the Revised Code;	29312
(c) The number of children with disabilities, other than	29313
preschool children with disabilities, placed with a county board	29314
of developmental disabilities in the current fiscal year to	29315
receive special education services for category two disabilities	29316
described in division (B) of section 3317.013 of the Revised Code;	29317
(d) The number of children with disabilities, other than	29318
preschool children with disabilities, placed with a county board	29319
of developmental disabilities in the current fiscal year to	29320
receive special education services for category three disabilities	29321
described in division (C) of section 3317.013 of the Revised Code;	29322
(e) The number of children with disabilities, other than	29323
preschool children with disabilities, placed with a county board	29324

of developmental disabilities in the current fiscal year to 29325
receive special education services for category four disabilities 29326
described in division (D) of section 3317.013 of the Revised Code; 29327

(f) The number of children with disabilities, other than 29328
preschool children with disabilities, placed with a county board 29329
of developmental disabilities in the current fiscal year to 29330
receive special education services for the category five 29331
disabilities described in division (E) of section 3317.013 of the 29332
Revised Code; 29333

(g) The number of children with disabilities, other than 29334
preschool children with disabilities, placed with a county board 29335
of developmental disabilities in the current fiscal year to 29336
receive special education services for category six disabilities 29337
described in division (F) of section 3317.013 of the Revised Code. 29338

(21) The enrollment of students who are economically 29339
disadvantaged, as defined by the department, excluding any student 29340
reported under division (B)(3)(e) of this section as enrolled in 29341
an internet- or computer-based community school. A student shall 29342
not be categorically excluded from the number reported under 29343
division (B)(21) of this section based on anything other than 29344
family income. 29345

(C)(1) The state board of education shall adopt rules 29346
necessary for implementing divisions (A), (B), and (D) of this 29347
section. 29348

(2) A student enrolled in a community school established 29349
under Chapter 3314., a science, technology, engineering, and 29350
mathematics school established under Chapter 3326., or a 29351
college-preparatory boarding school established under Chapter 29352
3328. of the Revised Code shall be counted in the formula ADM and, 29353
if applicable, the category one, two, three, four, five, or six 29354
special education ADM of the school district in which the student 29355

is entitled to attend school under section 3313.64 or 3313.65 of 29356
the Revised Code for the same proportion of the school year that 29357
the student is counted in the enrollment of the community school, 29358
the science, technology, engineering, and mathematics school, or 29359
the college-preparatory boarding school for purposes of section 29360
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 29361
the enrollment of students certified pursuant to division 29362
(B)(3)(d), (e), (j), or (k) of this section, the department may 29363
adjust the formula ADM of a school district to account for 29364
students entitled to attend school in the district under section 29365
3313.64 or 3313.65 of the Revised Code who are enrolled in a 29366
community school, a science, technology, engineering, and 29367
mathematics school, or a college-preparatory boarding school for 29368
only a portion of the school year. 29369

(3) No child shall be counted as more than a total of one 29370
child in the sum of the enrollment of students of a school 29371
district under division (A), divisions (B)(1) to (22), or division 29372
(D) of this section, except as follows: 29373

(a) A child with a disability described in section 3317.013 29374
of the Revised Code may be counted both in formula ADM and in 29375
category one, two, three, four, five, or six special education ADM 29376
and, if applicable, in category one, two, three, four, or five 29377
career-technical education ADM. As provided in division (G) of 29378
section 3317.02 of the Revised Code, such a child shall be counted 29379
in category one, two, three, four, five, or six special education 29380
ADM in the same proportion that the child is counted in formula 29381
ADM. 29382

(b) A child enrolled in career-technical education programs 29383
or classes described in section 3317.014 of the Revised Code may 29384
be counted both in formula ADM and category one, two, three, four, 29385
or five career-technical education ADM and, if applicable, in 29386
category one, two, three, four, five, or six special education 29387

ADM. Such a child shall be counted in category one, two, three, 29388
four, or five career-technical education ADM in the same 29389
proportion as the percentage of time that the child spends in the 29390
career-technical education programs or classes. 29391

(4) Based on the information reported under this section, the 29392
department of education shall determine the total student count, 29393
as defined in section 3301.011 of the Revised Code, for each 29394
school district. 29395

(D)(1) The superintendent of each joint vocational school 29396
district shall report and certify to the superintendent of public 29397
instruction as of the last day of October, March, and June of each 29398
year the enrollment of students receiving services from schools 29399
under the superintendent's supervision so that the department can 29400
calculate the district's formula ADM, total ADM, category one 29401
through five career-technical education ADM, category one through 29402
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 29403
six special education ADM, and for purposes of provisions of law 29404
outside of Chapter 3317. of the Revised Code, average daily 29405
membership. 29406

The enrollment reported and certified by the superintendent, 29407
except as otherwise provided in this division, shall consist of 29408
the ~~the~~ number of students in grades six through twelve receiving 29409
any educational services from the district, except that the 29410
following categories of students shall not be included in the 29411
determination: 29412

(a) Students enrolled in adult education classes; 29413

(b) Adjacent or other district joint vocational students 29414
enrolled in the district under an open enrollment policy pursuant 29415
to section 3313.98 of the Revised Code; 29416

(c) Students receiving services in the district pursuant to a 29417
compact, cooperative education agreement, or a contract, but who 29418

are entitled to attend school in a city, local, or exempted	29419
village school district whose territory is not part of the	29420
territory of the joint vocational district;	29421
(d) Students for whom tuition is payable pursuant to sections	29422
3317.081 and 3323.141 of the Revised Code.	29423
(2) To enable the department of education to obtain the data	29424
needed to complete the calculation of payments pursuant to this	29425
chapter, each superintendent shall certify from the report	29426
provided under division (D)(1) of this section the enrollment for	29427
each of the following categories of students:	29428
(a) Students enrolled in each individual grade included in	29429
the joint vocational district schools;	29430
(b) Children with disabilities receiving special education	29431
services for the category one disability described in division (A)	29432
of section 3317.013 of the Revised Code;	29433
(c) Children with disabilities receiving special education	29434
services for the category two disabilities described in division	29435
(B) of section 3317.013 of the Revised Code;	29436
(d) Children with disabilities receiving special education	29437
services for category three disabilities described in division (C)	29438
of section 3317.013 of the Revised Code;	29439
(e) Children with disabilities receiving special education	29440
services for category four disabilities described in division (D)	29441
of section 3317.013 of the Revised Code;	29442
(f) Children with disabilities receiving special education	29443
services for the category five disabilities described in division	29444
(E) of section 3317.013 of the Revised Code;	29445
(g) Children with disabilities receiving special education	29446
services for category six disabilities described in division (F)	29447
of section 3317.013 of the Revised Code;	29448

(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	29449 29450 29451
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	29452 29453 29454
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	29455 29456 29457
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	29458 29459 29460
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	29461 29462 29463
(m) Limited English proficient students <u>learners</u> described in division (A) of section 3317.016 of the Revised Code;	29464 29465
(n) Limited English proficient students <u>learners</u> described in division (B) of section 3317.016 of the Revised Code;	29466 29467
(o) Limited English proficient students <u>learners</u> described in division (C) of section 3317.016 of the Revised Code;	29468 29469
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.	29470 29471 29472 29473
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	29474 29475 29476 29477 29478

(E) In each school of each city, local, exempted village, 29479
joint vocational, and cooperative education school district there 29480
shall be maintained a record of school enrollment, which record 29481
shall accurately show, for each day the school is in session, the 29482
actual enrollment in regular day classes. For the purpose of 29483
determining the enrollment of students, the enrollment figure of 29484
any school shall not include any pupils except those pupils 29485
described by division (A) of this section. The record of 29486
enrollment for each school shall be maintained in such manner that 29487
no pupil shall be counted as enrolled prior to the actual date of 29488
entry in the school and also in such manner that where for any 29489
cause a pupil permanently withdraws from the school that pupil 29490
shall not be counted as enrolled from and after the date of such 29491
withdrawal. There shall not be included in the enrollment of any 29492
school any of the following: 29493

(1) Any pupil who has graduated from the twelfth grade of a 29494
public or nonpublic high school; 29495

(2) Any pupil who is not a resident of the state; 29496

(3) Any pupil who was enrolled in the schools of the district 29497
during the previous school year when assessments were administered 29498
under section 3301.0711 of the Revised Code but did not take one 29499
or more of the assessments required by that section and was not 29500
excused pursuant to division (C)(1) or (3) of that section; 29501

(4) Any pupil who has attained the age of twenty-two years, 29502
except for veterans of the armed services whose attendance was 29503
interrupted before completing the recognized twelve-year course of 29504
the public schools by reason of induction or enlistment in the 29505
armed forces and who apply for reenrollment in the public school 29506
system of their residence not later than four years after 29507
termination of war or their honorable discharge; 29508

(5) Any pupil who has a certificate of high school 29509

equivalence as defined in section 5107.40 of the Revised Code. 29510

If, however, any veteran described by division (E)(4) of this 29511
section elects to enroll in special courses organized for veterans 29512
for whom tuition is paid under the provisions of federal laws, or 29513
otherwise, that veteran shall not be included in the enrollment of 29514
students determined under this section. 29515

Notwithstanding division (E)(3) of this section, the 29516
enrollment of any school may include a pupil who did not take an 29517
assessment required by section 3301.0711 of the Revised Code if 29518
the superintendent of public instruction grants a waiver from the 29519
requirement to take the assessment to the specific pupil and a 29520
parent is not paying tuition for the pupil pursuant to section 29521
3313.6410 of the Revised Code. The superintendent may grant such a 29522
waiver only for good cause in accordance with rules adopted by the 29523
state board of education. 29524

The formula ADM, total ADM, category one through five 29525
career-technical education ADM, category one through three ~~limited~~ 29526
English ~~proficient~~ learner ADM, category one through six special 29527
education ADM, preschool scholarship ADM, transportation ADM, and, 29528
for purposes of provisions of law outside of Chapter 3317. of the 29529
Revised Code, average daily membership of any school district 29530
shall be determined in accordance with rules adopted by the state 29531
board of education. 29532

(F)(1) If a student attending a community school under 29533
Chapter 3314., a science, technology, engineering, and mathematics 29534
school established under Chapter 3326., or a college-preparatory 29535
boarding school established under Chapter 3328. of the Revised 29536
Code is not included in the formula ADM calculated for the school 29537
district in which the student is entitled to attend school under 29538
section 3313.64 or 3313.65 of the Revised Code, the department of 29539
education shall adjust the formula ADM of that school district to 29540
include the student in accordance with division (C)(2) of this 29541

section, and shall recalculate the school district's payments 29542
under this chapter for the entire fiscal year on the basis of that 29543
adjusted formula ADM. 29544

(2) If a student awarded an educational choice scholarship is 29545
not included in the formula ADM of the school district from which 29546
the department deducts funds for the scholarship under section 29547
3310.08 of the Revised Code, the department shall adjust the 29548
formula ADM of that school district to include the student to the 29549
extent necessary to account for the deduction, and shall 29550
recalculate the school district's payments under this chapter for 29551
the entire fiscal year on the basis of that adjusted formula ADM. 29552

(3) If a student awarded a scholarship under the Jon Peterson 29553
special needs scholarship program is not included in the formula 29554
ADM of the school district from which the department deducts funds 29555
for the scholarship under section 3310.55 of the Revised Code, the 29556
department shall adjust the formula ADM of that school district to 29557
include the student to the extent necessary to account for the 29558
deduction, and shall recalculate the school district's payments 29559
under this chapter for the entire fiscal year on the basis of that 29560
adjusted formula ADM. 29561

(G)(1)(a) The superintendent of an institution operating a 29562
special education program pursuant to section 3323.091 of the 29563
Revised Code shall, for the programs under such superintendent's 29564
supervision, certify to the state board of education, in the 29565
manner prescribed by the superintendent of public instruction, 29566
both of the following: 29567

(i) The unduplicated count of the number of all children with 29568
disabilities other than preschool children with disabilities 29569
receiving services at the institution for each category of 29570
disability described in divisions (A) to (F) of section 3317.013 29571
of the Revised Code adjusted for the portion of the year each 29572
child is so enrolled; 29573

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code. 29574
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(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction. 29580
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(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following: 29586
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(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 29592
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(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the ~~DD~~ board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes. 29596
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(H) Except as provided in division (I) of this section, when 29604

any city, local, or exempted village school district provides 29605
instruction for a nonresident pupil whose attendance is 29606
unauthorized attendance as defined in section 3327.06 of the 29607
Revised Code, that pupil's enrollment shall not be included in 29608
that district's enrollment figure used in calculating the 29609
district's payments under this chapter. The reporting official 29610
shall report separately the enrollment of all pupils whose 29611
attendance in the district is unauthorized attendance, and the 29612
enrollment of each such pupil shall be credited to the school 29613
district in which the pupil is entitled to attend school under 29614
division (B) of section 3313.64 or section 3313.65 of the Revised 29615
Code as determined by the department of education. 29616

(I)(1) A city, local, exempted village, or joint vocational 29617
school district admitting a scholarship student of a pilot project 29618
district pursuant to division (C) of section 3313.976 of the 29619
Revised Code may count such student in its enrollment. 29620

(2) In any year for which funds are appropriated for pilot 29621
project scholarship programs, a school district implementing a 29622
state-sponsored pilot project scholarship program that year 29623
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 29624
count in its enrollment: 29625

(a) All children residing in the district and utilizing a 29626
scholarship to attend kindergarten in any alternative school, as 29627
defined in section 3313.974 of the Revised Code; 29628

(b) All children who were enrolled in the district in the 29629
preceding year who are utilizing a scholarship to attend an 29630
alternative school. 29631

(J) The superintendent of each cooperative education school 29632
district shall certify to the superintendent of public 29633
instruction, in a manner prescribed by the state board of 29634
education, the applicable enrollments for all students in the 29635

cooperative education district, also indicating the city, local, 29636
or exempted village district where each pupil is entitled to 29637
attend school under section 3313.64 or 3313.65 of the Revised 29638
Code. 29639

(K) If the superintendent of public instruction determines 29640
that a component of the enrollment certified or reported by a 29641
district superintendent, or other reporting entity, is not 29642
correct, the superintendent of public instruction may order that 29643
the formula ADM used for the purposes of payments under any 29644
section of Title XXXVIII of the Revised Code be adjusted in the 29645
amount of the error. 29646

Sec. 3317.06. Moneys paid to school districts under division 29647
(E)(1) of section 3317.024 of the Revised Code shall be used for 29648
the following independent and fully severable purposes: 29649

(A) To purchase such secular textbooks or digital texts as 29650
have been approved by the superintendent of public instruction for 29651
use in public schools in the state and to loan such textbooks or 29652
digital texts to pupils attending nonpublic schools within the 29653
district described in division (E)(1) of section 3317.024 of the 29654
Revised Code or to their parents and to hire clerical personnel to 29655
administer such lending program. Such loans shall be based upon 29656
individual requests submitted by such nonpublic school pupils or 29657
parents. Such requests shall be submitted to the school district 29658
in which the nonpublic school is located. Such individual requests 29659
for the loan of textbooks or digital texts shall, for 29660
administrative convenience, be submitted by the nonpublic school 29661
pupil or the pupil's parent to the nonpublic school, which shall 29662
prepare and submit collective summaries of the individual requests 29663
to the school district. As used in this section: 29664

(1) "Textbook" means any book or book substitute that a pupil 29665
uses as a consumable or nonconsumable text, text substitute, or 29666

text supplement in a particular class or program in the school the pupil regularly attends.

(2) "Digital text" means a consumable book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes to the learning process through electronic means.

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services 29698
to pupils attending nonpublic schools within the district 29699
described in division (E)(1) of section 3317.024 of the Revised 29700
Code. Such services shall be provided in the public school, in 29701
nonpublic schools, in public centers, or in mobile units located 29702
on or off of the nonpublic premises. If such services are provided 29703
in the public school or in public centers, transportation to and 29704
from such facilities shall be provided by the school district in 29705
which the nonpublic school is located. 29706

(G) To provide remedial services to pupils attending 29707
nonpublic schools within the district described in division (E)(1) 29708
of section 3317.024 of the Revised Code. Such services shall be 29709
provided in the public school, in nonpublic schools, in public 29710
centers, or in mobile units located on or off of the nonpublic 29711
premises. If such services are provided in the public school or in 29712
public centers, transportation to and from such facilities shall 29713
be provided by the school district in which the nonpublic school 29714
is located. 29715

(H) To supply for use by pupils attending nonpublic schools 29716
within the district described in division (E)(1) of section 29717
3317.024 of the Revised Code such standardized tests and scoring 29718
services as are in use in the public schools of the state; 29719

(I) To provide programs for children who attend nonpublic 29720
schools within the district described in division (E)(1) of 29721
section 3317.024 of the Revised Code and are children with 29722
disabilities as defined in section 3323.01 of the Revised Code or 29723
gifted children. Such programs shall be provided in the public 29724
school, in nonpublic schools, in public centers, or in mobile 29725
units located on or off of the nonpublic premises. If such 29726
programs are provided in the public school or in public centers, 29727
transportation to and from such facilities shall be provided by 29728
the school district in which the nonpublic school is located. 29729

(J) To hire clerical personnel to assist in the 29730
administration of programs pursuant to divisions (B), (C), (D), 29731
(E), (F), (G), and (I) of this section and to hire supervisory 29732
personnel to supervise the providing of services and textbooks 29733
pursuant to this section. 29734

(K) To purchase or lease any secular, neutral, and 29735
nonideological computer application software designed to assist 29736
students in performing a single task or multiple related tasks, 29737
device management software, learning management software, 29738
site-licensing, digital video on demand (DVD), wide area 29739
connectivity and related technology as it relates to internet 29740
access, mathematics or science equipment and materials, 29741
instructional materials, and school library materials that are in 29742
general use in the public schools of the state and loan such items 29743
to pupils attending nonpublic schools within the district 29744
described in division (E)(1) of section 3317.024 of the Revised 29745
Code or to their parents, and to hire clerical personnel to 29746
administer the lending program. Only such items that are incapable 29747
of diversion to religious use and that are susceptible of loan to 29748
individual pupils and are furnished for the use of individual 29749
pupils shall be purchased and loaned under this division. As used 29750
in this section, "instructional materials" means prepared learning 29751
materials that are secular, neutral, and nonideological in 29752
character and are of benefit to the instruction of school 29753
children. "Instructional materials" includes media content that a 29754
student may access through the use of a computer or electronic 29755
device. 29756

Mobile applications that are secular, neutral, and 29757
nonideological in character and that are purchased for less than 29758
twenty dollars for instructional use shall be considered to be 29759
consumable and shall be distributed to students without the 29760
expectation that the applications must be returned. 29761

(L) To purchase or lease instructional equipment, including 29762
computer hardware and related equipment in general use in the 29763
public schools of the state, for use by pupils attending nonpublic 29764
schools within the district described in division (E)(1) of 29765
section 3317.024 of the Revised Code and to loan such items to 29766
pupils attending such nonpublic schools within the district or to 29767
their parents, and to hire clerical personnel to administer the 29768
lending program. "Computer hardware and related equipment" 29769
includes desktop computers and workstations; laptop computers, 29770
computer tablets, and other mobile handheld devices; their 29771
operating systems and accessories; and any equipment designed to 29772
make accessible the environment of a classroom to a student, who 29773
is physically unable to attend classroom activities due to 29774
hospitalization or other circumstances, by allowing real-time 29775
interaction with other students both one-on-one and in group 29776
discussion. 29777

(M) To purchase mobile units to be used for the provision of 29778
services pursuant to divisions (E), (F), (G), and (I) of this 29779
section and to pay for necessary repairs and operating costs 29780
associated with these units. 29781

(N) To reimburse costs the district incurred to store the 29782
records of a chartered nonpublic school that closes. 29783
Reimbursements under this division shall be made one time only for 29784
each chartered nonpublic school described in division (E)(1) of 29785
section 3317.024 of the Revised Code that closes. 29786

(O) To purchase life-saving medical or other emergency 29787
equipment for placement in nonpublic schools within the district 29788
described in division (E)(1) of section 3317.024 of the Revised 29789
Code or to maintain such equipment. 29790

(P) To procure and pay for security services from a county 29791
sheriff or a township or municipal police force or from a person 29792
certified through the Ohio peace officer training commission, in 29793

accordance with section 109.78 of the Revised Code, as a special 29794
police, security guard, or as a privately employed person serving 29795
in a police capacity for nonpublic schools in the district 29796
described in division (E)(1) of section 3317.024 of the Revised 29797
Code. 29798

(Q) To provide language and academic support services and 29799
other accommodations for English ~~language~~ learners attending 29800
nonpublic schools within the district described in division (E)(1) 29801
of section 3317.024 of the Revised Code. 29802

Clerical and supervisory personnel hired pursuant to division 29803
(J) of this section shall perform their services in the public 29804
schools, in nonpublic schools, public centers, or mobile units 29805
where the services are provided to the nonpublic school pupil, 29806
except that such personnel may accompany pupils to and from the 29807
service sites when necessary to ensure the safety of the children 29808
receiving the services. 29809

All services provided pursuant to this section may be 29810
provided under contract with educational service centers, the 29811
department of health, city or general health districts, or private 29812
agencies whose personnel are properly licensed by an appropriate 29813
state board or agency. 29814

Transportation of pupils provided pursuant to divisions (E), 29815
(F), (G), and (I) of this section shall be provided by the school 29816
district from its general funds and not from moneys paid to it 29817
under division (E)(1) of section 3317.024 of the Revised Code 29818
unless a special transportation request is submitted by the parent 29819
of the child receiving service pursuant to such divisions. If such 29820
an application is presented to the school district, it may pay for 29821
the transportation from moneys paid to it under division (E)(1) of 29822
section 3317.024 of the Revised Code. 29823

No school district shall provide health or remedial services 29824

to nonpublic school pupils as authorized by this section unless 29825
such services are available to pupils attending the public schools 29826
within the district. 29827

Materials, equipment, computer hardware or software, 29828
textbooks, digital texts, and health and remedial services 29829
provided for the benefit of nonpublic school pupils pursuant to 29830
this section and the admission of pupils to such nonpublic schools 29831
shall be provided without distinction as to race, creed, color, or 29832
national origin of such pupils or of their teachers. 29833

No school district shall provide services, materials, or 29834
equipment that contain religious content for use in religious 29835
courses, devotional exercises, religious training, or any other 29836
religious activity. 29837

As used in this section, "parent" includes a person standing 29838
in loco parentis to a child. 29839

Notwithstanding section 3317.01 of the Revised Code, payments 29840
shall be made under this section to any city, local, or exempted 29841
village school district within which is located one or more 29842
nonpublic elementary or high schools described in division (E)(1) 29843
of section 3317.024 of the Revised Code and any payments made to 29844
school districts under division (E)(1) of section 3317.024 of the 29845
Revised Code for purposes of this section may be disbursed without 29846
submission to and approval of the controlling board. 29847

The allocation of payments for materials, equipment, 29848
textbooks, digital texts, health services, and remedial services 29849
to city, local, and exempted village school districts shall be on 29850
the basis of the state board of education's estimated annual 29851
average daily membership in nonpublic elementary and high schools 29852
located in the district described in division (E)(1) of section 29853
3317.024 of the Revised Code. 29854

Payments made to city, local, and exempted village school 29855

districts under this section shall be equal to specific 29856
appropriations made for the purpose. All interest earned by a 29857
school district on such payments shall be used by the district for 29858
the same purposes and in the same manner as the payments may be 29859
used. 29860

The department of education shall adopt guidelines and 29861
procedures under which such programs and services shall be 29862
provided, under which districts shall be reimbursed for 29863
administrative costs incurred in providing such programs and 29864
services, and under which any unexpended balance of the amounts 29865
appropriated by the general assembly to implement this section may 29866
be transferred to the auxiliary services personnel unemployment 29867
compensation fund established pursuant to section 4141.47 of the 29868
Revised Code. The department shall also adopt guidelines and 29869
procedures limiting the purchase and loan of the items described 29870
in division (K) of this section to items that are in general use 29871
in the public schools of the state, that are incapable of 29872
diversion to religious use, and that are susceptible to individual 29873
use rather than classroom use. Within thirty days after the end of 29874
each biennium, each board of education shall remit to the 29875
department all moneys paid to it under division (E)(1) of section 29876
3317.024 of the Revised Code and any interest earned on those 29877
moneys that are not required to pay expenses incurred under this 29878
section during the biennium for which the money was appropriated 29879
and during which the interest was earned. If a board of education 29880
subsequently determines that the remittal of moneys leaves the 29881
board with insufficient money to pay all valid expenses incurred 29882
under this section during the biennium for which the remitted 29883
money was appropriated, the board may apply to the department of 29884
education for a refund of money, not to exceed the amount of the 29885
insufficiency. If the department determines the expenses were 29886
lawfully incurred and would have been lawful expenditures of the 29887
refunded money, it shall certify its determination and the amount 29888

of the refund to be made to the director of job and family 29889
services who shall make a refund as provided in section 4141.47 of 29890
the Revised Code. 29891

Each school district shall label materials, equipment, 29892
computer hardware or software, textbooks, and digital texts 29893
purchased or leased for loan to a nonpublic school under this 29894
section, acknowledging that they were purchased or leased with 29895
state funds under this section. However, a district need not label 29896
materials, equipment, computer hardware or software, textbooks, or 29897
digital texts that the district determines are consumable in 29898
nature or have a value of less than two hundred dollars. 29899

Sec. 3317.13. (A) As used in this section and section 3317.14 29900
of the Revised Code: 29901

(1) "Years of service" includes the following: 29902

(a) All years of teaching service in the same school district 29903
or educational service center, regardless of training level, with 29904
each year consisting of at least one hundred twenty days under a 29905
teacher's contract; 29906

(b) All years of teaching service in a chartered, nonpublic 29907
school located in Ohio as a teacher licensed pursuant to section 29908
3319.22 of the Revised Code or in another public school, 29909
regardless of training level, with each year consisting of at 29910
least one hundred twenty days under a teacher's contract; 29911

(c) All years of teaching service in a chartered school or 29912
institution or a school or institution that subsequently became 29913
chartered or a chartered special education program or a special 29914
education program that subsequently became chartered operated by 29915
the state or by a subdivision or other local governmental unit of 29916
this state as a teacher licensed pursuant to section 3319.22 of 29917
the Revised Code, regardless of training level, with each year 29918

consisting of at least one hundred twenty days; and 29919

(d) All years of active military service in the armed forces 29920
of the United States, as defined in section 3307.75 of the Revised 29921
Code, to a maximum of five years. For purposes of this 29922
calculation, a partial year of active military service of eight 29923
continuous months or more in the armed forces shall be counted as 29924
a full year. 29925

(2) "Teacher" means all teachers employed by the board of 29926
education of any school district, including any cooperative 29927
education or joint vocational school district and all teachers 29928
employed by any educational service center governing board. 29929

(B) No teacher shall be paid a salary less than that provided 29930
in the schedule set forth in division (C) of this section. In 29931
calculating the minimum salary any teacher shall be paid pursuant 29932
to this section, years of service shall include the sum of all 29933
years of the teacher's teaching service included in divisions 29934
(A)(1)(a), (b), (c), and (d) of this section; except that any 29935
school district or educational service center employing a teacher 29936
new to the district or educational service center shall grant such 29937
teacher a total of not more than ten years of service pursuant to 29938
divisions (A)(1)(b), (c), and (d) of this section. 29939

Upon written complaint to the superintendent of public 29940
instruction that the board of education of a district or the 29941
governing board of an educational service center governing board 29942
has failed or refused to annually adopt a salary schedule or to 29943
pay salaries in accordance with the salary schedule set forth in 29944
division (C) of this section, the superintendent of public 29945
instruction shall cause to be made an immediate investigation of 29946
such complaint. If the superintendent finds that the conditions 29947
complained of exist, the superintendent shall order the board to 29948
correct such conditions within ten days from the date of the 29949
finding. No moneys shall be distributed to the district or 29950

educational service center under this chapter until the 29951
superintendent has satisfactory evidence of the board of 29952
education's full compliance with such order. 29953

Each teacher shall be fully credited with placement in the 29954
appropriate academic training level column in the district's or 29955
educational service center's salary schedule with years of service 29956
properly credited pursuant to this section or section 3317.14 of 29957
the Revised Code. No rule shall be adopted or exercised by any 29958
board of education or educational service center governing board 29959
which restricts the placement or the crediting of annual salary 29960
increments for any teacher according to the appropriate academic 29961
training level column. 29962

(C) Minimum salaries exclusive of retirement and sick leave 29963
for teachers shall be as follows: 29964

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	
0	86.5	\$17,300 <u>25,950</u>	100.0	\$20,000 <u>30,000</u>	103.8	\$20,760 <u>31,140</u>	109.5	\$21,900 <u>32,850</u>	29965
1	90.0	18,000 <u>27,000</u>	103.8	20,760 <u>31,140</u>	108.1	21,620 <u>32,430</u>	114.3	22,860 <u>34,290</u>	29966
2	93.5	18,700 <u>28,050</u>	107.6	21,520 <u>32,280</u>	112.4	22,480 <u>33,720</u>	119.1	23,820 <u>35,730</u>	29967
3	97.0	19,400 <u>29,100</u>	111.4	22,280 <u>33,420</u>	116.7	23,340 <u>35,010</u>	123.9	24,780 <u>37,170</u>	29968
4	100.5	20,100 <u>30,150</u>	115.2	23,040 <u>34,560</u>	121.0	24,200 <u>36,300</u>	128.7	25,740 <u>38,610</u>	29969
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	29970

		<u>31,200</u>		<u>35,700</u>		<u>37,590</u>		<u>40,050</u>	
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	29978
		<u>31,200</u>		<u>36,840</u>		<u>38,880</u>		<u>41,490</u>	
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	29979
		<u>31,200</u>		<u>37,980</u>		<u>40,170</u>		<u>42,930</u>	
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	29980
		<u>31,200</u>		<u>39,120</u>		<u>41,460</u>		<u>44,370</u>	
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	29981
		<u>31,200</u>		<u>40,260</u>		<u>42,750</u>		<u>45,810</u>	
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	29982
		<u>31,200</u>		<u>41,400</u>		<u>44,040</u>		<u>47,250</u>	
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	29983
		<u>31,200</u>		<u>42,540</u>		<u>45,330</u>		<u>48,690</u>	

* Percentages represent the percentage which each salary is of the base amount. 29984
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For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 29986
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As used in this division: 29995

(1) "Base amount" means ~~twenty~~ thirty thousand dollars. 29996

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 29997
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29999

(D) For purposes of this section, all credited training shall be from a recognized college or university. 30000
30001

Sec. 3317.141. The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, shall comply with this section in accordance with the timeline contained in the board's scope of work, as approved by the superintendent of public instruction, and shall not be subject to sections 3317.13 and 3317.14 of the Revised Code. The board of education of any other school district, and the governing board of each educational service center, shall comply with either this section or sections 3317.13 and 3317.14 of the Revised Code.

(A) The board annually shall adopt a salary schedule for teachers based upon performance as described in division (B) of this section.

(B) For purposes of the schedule, a board shall measure a teacher's performance by considering ~~all~~ both of the following:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

~~(2) Whether the teacher is a properly certified or licensed teacher, as defined in section 3319.074 of the Revised Code;~~

~~(3) Ratings received by the teacher on performance evaluations conducted under section 3319.111 of the Revised Code.~~

(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under section 3319.111 of the Revised Code. The annual performance-based adjustment for a teacher rated as accomplished shall be greater than the annual performance-based adjustment for a teacher rated as skilled.

(D) The salary schedule adopted under this section may

provide for additional compensation for teachers who agree to 30032
perform duties, not contracted for under a supplemental contract, 30033
that the employing board determines warrant additional 30034
compensation. Those duties may include, but are not limited to, 30035
assignment to a school building eligible for funding under Title I 30036
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 30037
6301 et seq.; assignment to a building in "school improvement" 30038
status under the "No Child Left Behind Act of 2001," as defined in 30039
section 3302.01 of the Revised Code; teaching in a grade level or 30040
subject area in which the board has determined there is a shortage 30041
within the district or service center; or assignment to a 30042
hard-to-staff school, as determined by the board. 30043

Sec. 3317.16. (A) The department of education shall compute 30044
and distribute state core foundation funding to each joint 30045
vocational school district for the fiscal year as prescribed in 30046
the following divisions: 30047

(1) An opportunity grant calculated according to the 30048
following formula: 30049

(The formula amount X formula ADM) - (0.0005 X the district's 30050
three-year average valuation) 30051

However, no district shall receive an opportunity grant that 30052
is less than 0.05 times the formula amount times formula ADM. 30053

(2) Additional state aid for special education and related 30054
services provided under Chapter 3323. of the Revised Code 30055
calculated as the sum of the following: 30056

(a) The district's category one special education ADM X the 30057
amount specified in division (A) of section 3317.013 of the 30058
Revised Code X the district's state share percentage; 30059

(b) The district's category two special education ADM X the 30060
amount specified in division (B) of section 3317.013 of the 30061

Revised Code X the district's state share percentage;	30062
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	30063 30064 30065
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	30066 30067 30068
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	30069 30070 30071
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	30072 30073 30074
(3) Economically disadvantaged funds calculated according to the following formula:	30075 30076
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	30077 30078 30079
(4) Limited English proficiency <u>learner</u> funds calculated as the sum of the following:	30080 30081
(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	30082 30083 30084 30085
(b) The district's category two limited English proficient <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	30086 30087 30088 30089
(c) The district's category three limited English proficient <u>learner</u> ADM X the amount specified in division (C) of section	30090 30091

3317.016 of the Revised Code X the district's state share	30092
percentage;	30093
(5) Career-technical education funds calculated as the sum of	30094
the following:	30095
(a) The district's category one career-technical education	30096
ADM X the amount specified in division (A) of section 3317.014 of	30097
the Revised Code X the district's state share percentage;	30098
(b) The district's category two career-technical education	30099
ADM X the amount specified in division (B) of section 3317.014 of	30100
the Revised Code X the district's state share percentage;	30101
(c) The district's category three career-technical education	30102
ADM X the amount specified in division (C) of section 3317.014 of	30103
the Revised Code X the district's state share percentage;	30104
(d) The district's category four career-technical education	30105
ADM X the amount specified in division (D) of section 3317.014 of	30106
the Revised Code X the district's state share percentage;	30107
(e) The district's category five career-technical education	30108
ADM X the amount specified in division (E) of section 3317.014 of	30109
the Revised Code X the district's state share percentage.	30110
Payment of funds under division (A)(5) of this section is	30111
subject to approval under section 3317.161 of the Revised Code.	30112
(6) Career-technical education associated services funds	30113
calculated under the following formula:	30114
The district's state share percentage X the	30115
amount for career-technical education associated services	30116
specified in section 3317.014 of the Revised Code X the sum of	30117
categories one through five career-technical	30118
education ADM	30119
(7) A graduation bonus calculated according to the following	30120
formula:	30121

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special

education and related services under an individualized education 30154
program, as defined in section 3323.01 of the Revised Code, at a 30155
joint vocational school district, the resident district or, if the 30156
student is enrolled in a community school, the community school 30157
shall be responsible for the amount of any costs of providing 30158
those special education and related services to that student that 30159
exceed the sum of the amount calculated for those services 30160
attributable to that student under division (A) of this section. 30161

Those excess costs shall be calculated using a formula 30162
approved by the department. 30163

(2) The board of education of the joint vocational school 30164
district may report the excess costs calculated under division 30165
(C)(1) of this section to the department of education. 30166

(3) If the board of education of the joint vocational school 30167
district reports excess costs under division (C)(2) of this 30168
section, the department shall pay the amount of excess cost 30169
calculated under division (C)(2) of this section to the joint 30170
vocational school district and shall deduct that amount as 30171
provided in division (C)(3)(a) or (b) of this section, as 30172
applicable: 30173

(a) If the student is not enrolled in a community school, the 30174
department shall deduct the amount from the account of the 30175
student's resident district pursuant to division (J) of section 30176
3317.023 of the Revised Code. 30177

(b) If the student is enrolled in a community school, the 30178
department shall deduct the amount from the account of the 30179
community school pursuant to section 3314.083 of the Revised Code. 30180

(D)(1) In any fiscal year, a school district receiving funds 30181
under division (A)(5) of this section shall spend those funds only 30182
for the purposes that the department designates as approved for 30183
career-technical education expenses. Career-technical education 30184

expenses approved by the department shall include only expenses 30185
connected to the delivery of career-technical programming to 30186
career-technical students. The department shall require the school 30187
district to report data annually so that the department may 30188
monitor the district's compliance with the requirements regarding 30189
the manner in which funding received under division (A)(5) of this 30190
section may be spent. 30191

(2) All funds received under division (A)(5) of this section 30192
shall be spent in the following manner: 30193

(a) At least seventy-five per cent of the funds shall be 30194
spent on curriculum development, purchase, and implementation; 30195
instructional resources and supplies; industry-based program 30196
certification; student assessment, credentialing, and placement; 30197
curriculum specific equipment purchases and leases; 30198
career-technical student organization fees and expenses; home and 30199
agency linkages; work-based learning experiences; professional 30200
development; and other costs directly associated with 30201
career-technical education programs including development of new 30202
programs. 30203

(b) Not more than twenty-five per cent of the funds shall be 30204
used for personnel expenditures. 30205

(E) In any fiscal year, a school district receiving funds 30206
under division (A)(6) of this section, or through a transfer of 30207
funds pursuant to division (I) of section 3317.023 of the Revised 30208
Code, shall spend those funds only for the purposes that the 30209
department designates as approved for career-technical education 30210
associated services expenses, which may include such purposes as 30211
apprenticeship coordinators, coordinators for other 30212
career-technical education services, career-technical evaluation, 30213
and other purposes designated by the department. The department 30214
may deny payment under division (A)(6) of this section to any 30215
district that the department determines is not operating those 30216

services or is using funds paid under division (A)(6) of this 30217
section, or through a transfer of funds pursuant to division (I) 30218
of section 3317.023 of the Revised Code, for other purposes. 30219

(F) A joint vocational school district shall spend the funds 30220
it receives under division (A)(3) of this section in accordance 30221
with section 3317.25 of the Revised Code. 30222

(G) As used in this section: 30223

(1) "Community school" means a community school established 30224
under Chapter 3314. of the Revised Code. 30225

(2) "Resident district" means the city, local, or exempted 30226
village school district in which a student is entitled to attend 30227
school under section 3313.64 or 3313.65 of the Revised Code. 30228

(3) "State share percentage" is equal to the following: 30229
The amount computed under division (A)(1) of this section / 30230
(the formula amount X formula ADM) 30231

Sec. 3317.163. (A) As used in this section: 30232

(1) "Base per pupil amount" has the same meaning as in 30233
section 3317.0219 of the Revised Code. 30234

(2) "Resident district" means the city, local, or exempted 30235
village school district in which a student is entitled to attend 30236
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 30237

(B) Subject to division (C) of this section, for fiscal years 30238
2020 and 2021, the department of education shall calculate and pay 30239
to each joint vocational school district student wellness and 30240
success funds, on a full-time equivalency basis, for each student 30241
enrolled in the district as of the district's payment under 30242
section 3317.16 of the Revised Code in June of the immediately 30243
preceding fiscal year in an amount equal to the following: 30244

(The base per pupil amount of the student's resident district for 30245

that fiscal year + the scaled amount of the student's resident 30246
district, if any, computed under division (B)(4) of section 30247
3317.0219 of the Revised Code) 30248

However, each joint vocational school district shall receive 30249
a minimum payment of \$25,000, for fiscal year 2020, or \$30,000 for 30250
fiscal year 2021. 30251

(C) The department shall pay funds under division (B) of this 30252
section as follows: 30253

(1) One-half of the amount shall be paid not later than the 30254
thirty-first day of October of the fiscal year for which the 30255
payment is calculated. 30256

(2) One-half of the amount shall be paid not later than the 30257
twenty-eighth day of February of the fiscal year for which the 30258
payment is calculated. 30259

Upon making a payment for a fiscal year under this section, 30260
the department shall not make any reconciliations or adjustments 30261
to that payment. 30262

(D) A joint vocational school district that receives a 30263
payment under this section shall comply with section 3317.26 of 30264
the Revised Code. 30265

Sec. 3317.25. (A) As used in this section, "economically 30266
disadvantaged funds" means the following: 30267

(1) For a city, local, or exempted village school district, 30268
the funds received under division (A)(5) of section 3317.022 of 30269
the Revised Code; 30270

(2) For a joint vocational school district, the funds 30271
received under division (A)(3) of section 3317.16 of the Revised 30272
Code; 30273

(3) For a community school established under Chapter 3314. of 30274
the Revised Code, the funds received under division (C)(1)(e) of 30275

section 3314.08 of the Revised Code;	30276
(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3326.33 of the Revised Code.	30277 30278 30279
(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the economically disadvantaged funds it receives for any of the following initiatives or a combination of any of the following initiatives:	30280 30281 30282 30283 30284
(1) Extended school day and school year;	30285
(2) Reading improvement and intervention;	30286
(3) Instructional technology or blended learning;	30287
(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	30288 30289
(5) Dropout prevention;	30290
(6) School safety and security measures;	30291
(7) Community learning centers that address barriers to learning;	30292 30293
(8) Academic interventions for students in any of grades six through twelve;	30294 30295
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. As used in this section, "bright new leaders for Ohio schools program" has the same meaning as in <u>under</u> section 3319.271 <u>3319.272</u> of the Revised Code.	30296 30297 30298 30299 30300
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the	30301 30302 30303 30304

district's or school's economically disadvantaged funds were spent 30305
during that fiscal year. 30306

(D) Starting in 2015, the department shall submit a report of 30307
the information it receives under division (C) of this section to 30308
the General Assembly not later than the first day of December of 30309
each odd-numbered year in accordance with section 101.68 of the 30310
Revised Code. 30311

Sec. 3317.26. (A) As used in this section, "student wellness 30312
and success funds" means the following: 30313

(1) For a city, local, or exempted village school district, 30314
the funds received under section 3317.0219 of the Revised Code; 30315

(2) For a joint vocational school district, the funds 30316
received under section 3317.163 of the Revised Code. 30317

(3) For a community school established under Chapter 3314. of 30318
the Revised Code, the funds received under section 3314.088 of the 30319
Revised Code. 30320

(4) For a STEM school established under Chapter 3326. of the 30321
Revised Code, the funds received under section 3326.42 of the 30322
Revised Code. 30323

(B) In any fiscal year, a city, local, exempted village, or 30324
joint vocational school district, community school, or STEM school 30325
shall spend the student wellness and success funds it receives for 30326
any of the following initiatives or a combination of any of the 30327
following initiatives: 30328

(1) Mental health services; 30329

(2) Services for homeless youth; 30330

(3) Services for child welfare involved youth; 30331

(4) Community liaisons; 30332

(5) Physical health care services; 30333

<u>(6) Mentoring programs;</u>	30334
<u>(7) Family engagement and support services;</u>	30335
<u>(8) City connects programming;</u>	30336
<u>(9) Professional development regarding the provision of trauma informed care;</u>	30337 30338
<u>(10) Professional development regarding cultural competence;</u>	30339
<u>(11) Services for child nutrition and physical health, fitness, and wellness;</u>	30340 30341
<u>(12) Student services provided prior to or after the regularly scheduled school day or any time school is not in session.</u>	30342 30343 30344
<u>(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the student wellness and success funds it receives in coordination with at least one of the following community partners:</u>	30345 30346 30347 30348 30349 30350
<u>(1) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;</u>	30351 30352
<u>(2) An educational service center;</u>	30353
<u>(3) A county board of developmental disabilities;</u>	30354
<u>(4) A community-based mental health treatment provider;</u>	30355
<u>(5) A board of health of a city or general health district;</u>	30356
<u>(6) A county department of job and family services;</u>	30357
<u>(7) A nonprofit organization with experience serving children;</u>	30358 30359
<u>(8) A public hospital agency.</u>	30360
<u>(D) At the end of each fiscal year, each city, local,</u>	30361

exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent during that fiscal year. 30362
30363
30364
30365
30366

Sec. 3317.28. For fiscal year 2022 and for each fiscal year thereafter, the department of education shall pay each city, local, and exempted village school district additional funds computed as follows: 30367
30368
30369
30370

(A) The statewide per pupil amount paid for chartered nonpublic school students - [(the sum of the district's payments under sections 3317.022 and 3317.0212 of the Revised Code and any temporary transitional aid that is authorized by the general assembly minus any reductions due to funding limitations that are authorized by the general assembly/its formula ADM)]; times 30371
30372
30373
30374
30375
30376

(B) The district's formula ADM. 30377

If the result is a negative number, no payment shall be made under this section. 30378
30379

As used in this section, the "statewide per pupil amount paid for chartered nonpublic school students" means the statewide per pupil amount paid under sections 3317.06, 3317.062, and 3317.063 of the Revised Code, combined, for the current fiscal year, as calculated by the department. 30380
30381
30382
30383
30384

Sec. 3317.40. (A) As used in this section, "subgroup" means one of the following subsets of the entire student population of a school district or a school building: 30385
30386
30387

(1) Students with disabilities; 30388

(2) Economically disadvantaged students; 30389

(3) ~~Limited English proficient students~~ learners; 30390

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education.

(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school graduation.

(D) If a district or school fails to show satisfactory achievement and progress, as determined by the state board of education, for any subgroup of students based on performance measures reported or graded under section 3302.03 of the Revised Code, the district or school shall submit an improvement plan to the department for approval. The plan may be included in any other improvement plan required of the district or school under state or federal law. The department may require that a plan required under division (C) of this section include an agreement to partner with another organization that has demonstrated the ability to improve the educational outcome for that subgroup of students to provide services to those students. The partner organization may be another school, district, or other education provider.

Not later than December 31, 2014, the state board of education shall establish measures of satisfactory achievement and

progress, which include, but are not limited to, performance 30423
measures under section 3302.03 of the Revised Code. The department 30424
shall make the initial determination of satisfactory achievement 30425
and progress under this section using those measures not later 30426
than September 1, 2015, and then make determinations under this 30427
section annually thereafter. 30428

The department shall publish a list of schools, school 30429
districts, and other educational providers that have demonstrated 30430
an ability to serve each subgroup of students. 30431

Sec. 3318.05. The conditional approval of the Ohio facilities 30432
construction commission for a project shall lapse and the amount 30433
reserved and encumbered for such project shall be released unless 30434
the school district board accepts such conditional approval within 30435
one hundred twenty days following the date of certification of the 30436
conditional approval to the school district board and the electors 30437
of the school district vote favorably on both of the propositions 30438
described in divisions (A) and (B) of this section within thirteen 30439
months of the date of such certification, except that a school 30440
district described in division (C) of this section does not need 30441
to submit the proposition described in division (B) of this 30442
section. The propositions described in divisions (A) and (B) of 30443
this section shall be combined in a single proposal. If the 30444
district board or the district's electors fail to meet such 30445
requirements and the amount reserved and encumbered for the 30446
district's project is released, the district shall be given first 30447
priority for project funding as such funds become available, 30448
subject to section 3318.054 of the Revised Code. 30449

(A) On the question of issuing bonds of the school district 30451
board, for the school district's portion of the basic project 30452
cost, in an amount equal to the school district's portion of the 30453

basic project cost less the amount of the proceeds of any 30454
securities authorized or to be authorized under division (J) of 30455
section 133.06 of the Revised Code and dedicated by the school 30456
district board to payment of the district's portion of the basic 30457
project cost; and 30458

(B) On the question of levying a tax the proceeds of which 30459
shall be used to pay the cost of maintaining or upgrading the 30460
classroom facilities included in the project. Such tax shall be at 30461
the rate of not less than one-half mill for each dollar of 30462
valuation for a period of twenty-three years, subject to any 30463
extension approved under section 3318.061 of the Revised Code. 30464

(C) If a school district has in place a tax levied under 30465
section 5705.21 of the Revised Code for general permanent 30466
improvements for a continuing period of time and the proceeds of 30467
such tax can be used for maintenance or upgrades, or if a district 30468
agrees to the transfers described in section 3318.051 of the 30469
Revised Code, the school district need not levy the additional tax 30470
required under division (B) of this section, provided the school 30471
district board includes in the agreement entered into under 30472
section 3318.08 of the Revised Code provisions either: 30473

(1) Earmarking an amount from the proceeds of that permanent 30474
improvement tax for maintenance or upgrades of classroom 30475
facilities equivalent to the amount of the additional tax and for 30476
the equivalent number of years otherwise required under this 30477
section; 30478

(2) Requiring the transfer of money in accordance with 30479
section 3318.051 of the Revised Code. 30480

The district board subsequently may rescind the agreement to 30481
make the transfers under section 3318.051 of the Revised Code only 30482
so long as the electors of the district have approved, in 30483
accordance with section 3318.063 of the Revised Code, the levy of 30484

a tax for the maintenance or upgrades of the classroom facilities 30485
acquired under the district's project and that levy continues to 30486
be collected as approved by the electors. 30487

(D) Proceeds of the tax to be used for maintenance or upgrade 30488
of the classroom facilities under either division (B) or (C)(1) of 30489
this section, and transfers of money in accordance with section 30490
3318.051 of the Revised Code shall be deposited into a separate 30491
fund established by the school district for such purpose. 30492

(E) Proceeds of the tax to be used for maintenance or 30493
upgrades of the classroom facilities under either division (B) or 30494
(C)(1) of this section shall not be used to upgrade classroom 30495
facilities, unless the district board submits to the Ohio 30496
facilities construction commission a proposal regarding the use of 30497
those proceeds for upgrades and the commission approves the 30498
proposal. 30499

Sec. 3318.051. (A) Any city, exempted village, or local 30500
school district that commences a project under sections 3318.01 to 30501
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 30502
after September 5, 2006, need not levy the tax otherwise required 30503
under division (B) of section 3318.05 of the Revised Code, if the 30504
district board of education adopts a resolution petitioning the 30505
Ohio facilities construction commission to approve the transfer of 30506
money in accordance with this section and the commission approves 30507
that transfer. If so approved, the commission and the district 30508
board shall enter into an agreement under which the board, in each 30509
of twenty-three consecutive years beginning in the year in which 30510
the board and the commission enter into the project agreement 30511
under section 3318.08 of the Revised Code, shall transfer into the 30512
maintenance fund required by division (D) of section 3318.05 of 30513
the Revised Code not less than an amount equal to one-half mill 30514
for each dollar of the district's valuation unless and until the 30515

agreement to make those transfers is rescinded by the district board pursuant to division (F) of this section.

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that fact and require the board to deposit into the fund, within ninety days after the date of the notice, the amount by which the fund is deficient for the year. If the district board fails to demonstrate to the auditor of state's satisfaction that the board has made the deposit required in the notice, the auditor of state shall notify the department of education. At that time, the department shall withhold an amount equal to ten per cent of the district's funds calculated for the current fiscal year under Chapter 3317. of the Revised Code until the auditor of state notifies the department that the auditor of state is satisfied that the board has made the required transfer.

(C) Money transferred to the maintenance fund shall be used for the maintenance or, upon approval of the Ohio facilities construction commission, upgrade of the facilities acquired under the district's project.

(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code.

(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject

to appeal. The commission shall not be responsible for errors or 30548
miscalculations made in deciding whether to approve a petition to 30549
make transfers under this section. 30550

(F) If the district board determines that it no longer can 30551
continue making the transfers agreed to under this section, the 30552
board may rescind the agreement only so long as the electors of 30553
the district have approved, in accordance with section 3318.063 of 30554
the Revised Code, the levy of a tax for the maintenance of the 30555
classroom facilities acquired under the district's project and 30556
that levy continues to be collected as approved by the electors. 30557
That levy shall be for a number of years that is equal to the 30558
difference between twenty-three years and the number of years that 30559
the district made transfers under this section and shall be at the 30560
rate of not less than one-half mill for each dollar of the 30561
district's valuation. The district board shall continue to make 30562
the transfers agreed to under this section until that levy has 30563
been approved by the electors. 30564

Sec. 3318.06. (A) After receipt of the conditional approval 30565
of the Ohio facilities construction commission, the school 30566
district board by a majority of all of its members shall, if it 30567
desires to proceed with the project, declare all of the following 30568
by resolution: 30569

(1) That by issuing bonds in an amount equal to the school 30570
district's portion of the basic project cost the district is 30571
unable to provide adequate classroom facilities without assistance 30572
from the state; 30573

(2) Unless the school district board has resolved to transfer 30574
money in accordance with section 3318.051 of the Revised Code or 30575
to apply the proceeds of a property tax or the proceeds of an 30576
income tax, or a combination of proceeds from such taxes, as 30577
authorized under section 3318.052 of the Revised Code, that to 30578

qualify for such state assistance it is necessary to do either of 30579
the following: 30580

(a) Levy a tax outside the ten-mill limitation the proceeds 30581
of which shall be used to pay the cost of maintaining and 30582
upgrading the classroom facilities included in the project~~r~~. The 30583
use of the proceeds for upgrades is subject to the approval by the 30584
commission under division (E) of section 3318.05 of the Revised 30585
Code. 30586

(b) Earmark for maintenance of classroom facilities from the 30587
proceeds of an existing permanent improvement tax levied under 30588
section 5705.21 of the Revised Code, if such tax can be used for 30589
maintenance, an amount equivalent to the amount of the additional 30590
tax otherwise required under this section and sections 3318.05 and 30591
3318.08 of the Revised Code. 30592

(3) That the question of any tax levy specified in a 30593
resolution described in division (A)(2)(a) of this section, if 30594
required, shall be submitted to the electors of the school 30595
district at the next general or primary election, if there be a 30596
general or primary election not less than ninety and not more than 30597
one hundred ten days after the day of the adoption of such 30598
resolution or, if not, at a special election to be held at a time 30599
specified in the resolution which shall be not less than ninety 30600
days after the day of the adoption of the resolution and which 30601
shall be in accordance with the requirements of section 3501.01 of 30602
the Revised Code. 30603

Such resolution shall also state that the question of issuing 30604
bonds of the board shall be combined in a single proposal with the 30605
question of such tax levy. More than one election under this 30606
section may be held in any one calendar year. Such resolution 30607
shall specify both of the following: 30608

(a) That the rate which it is necessary to levy shall be at 30609

the rate of not less than one-half mill for each one dollar of 30610
valuation, and that such tax shall be levied for a period of 30611
twenty-three years; 30612

(b) That the proceeds of the tax shall be used to pay the 30613
cost of maintaining the classroom facilities included in the 30614
project or upgrading those facilities if approved by the 30615
commission. 30616

(B) A copy of a resolution adopted under division (A) of this 30617
section shall after its passage and not less than ninety days 30618
prior to the date set therein for the election be certified to the 30619
county board of elections. 30620

The resolution of the school district board, in addition to 30621
meeting other applicable requirements of section 133.18 of the 30622
Revised Code, shall state that the amount of bonds to be issued 30623
will be an amount equal to the school district's portion of the 30624
basic project cost, and state the maximum maturity of the bonds 30625
which may be any number of years not exceeding the term calculated 30626
under section 133.20 of the Revised Code as determined by the 30627
board. In estimating the amount of bonds to be issued, the board 30628
shall take into consideration the amount of moneys then in the 30629
bond retirement fund and the amount of moneys to be collected for 30630
and disbursed from the bond retirement fund during the remainder 30631
of the year in which the resolution of necessity is adopted. 30632

If the bonds are to be issued in more than one series, the 30633
resolution may state, in addition to the information required to 30634
be stated under division (B)(3) of section 133.18 of the Revised 30635
Code, the number of series, which shall not exceed five, the 30636
principal amount of each series, and the approximate date each 30637
series will be issued, and may provide that no series, or any 30638
portion thereof, may be issued before such date. Upon such a 30639
resolution being certified to the county auditor as required by 30640
division (C) of section 133.18 of the Revised Code, the county 30641

auditor, in calculating, advising, and confirming the estimated 30642
average annual property tax levy under that division, shall also 30643
calculate, advise, and confirm by certification the estimated 30644
average property tax levy for each series of bonds to be issued. 30645

Notice of the election shall include the fact that the tax 30646
levy shall be at the rate of not less than one-half mill for each 30647
one dollar of valuation for a period of twenty-three years, and 30648
that the proceeds of the tax shall be used to pay the cost of 30649
maintaining or upgrading the classroom facilities included in the 30650
project. 30651

If the bonds are to be issued in more than one series, the 30652
board of education, when filing copies of the resolution with the 30653
board of elections as required by division (D) of section 133.18 30654
of the Revised Code, may direct the board of elections to include 30655
in the notice of election the principal amount and approximate 30656
date of each series, the maximum number of years over which the 30657
principal of each series may be paid, the estimated additional 30658
average property tax levy for each series, and the first calendar 30659
year in which the tax is expected to be due for each series, in 30660
addition to the information required to be stated in the notice 30661
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 30662
Code. 30663

(C)(1) Except as otherwise provided in division (C)(2) of 30664
this section, the form of the ballot to be used at such election 30665
shall be: 30666

"A majority affirmative vote is necessary for passage. 30667

Shall bonds be issued by the (here insert name 30668
of school district) school district to pay the local share of 30669
school construction under the State of Ohio Classroom Facilities 30670
Assistance Program in the principal amount of (here 30671
insert principal amount of the bond issue), to be repaid annually 30672

over a maximum period of (here insert the maximum 30673
number of years over which the principal of the bonds may be paid) 30674
years, and an annual levy of property taxes be made outside the 30675
ten-mill limitation, estimated by the county auditor to average 30676
over the repayment period of the bond issue (here 30677
insert the number of mills estimated) mills for each one dollar of 30678
tax valuation, which amounts to (rate expressed in 30679
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 30680
for each one hundred dollars of tax valuation to pay the annual 30681
debt charges on the bonds and to pay debt charges on any notes 30682
issued in anticipation of the bonds?" 30683

and, unless the additional levy 30684
of taxes is not required pursuant 30685
to division (C) of section 30686
3318.05 of the Revised Code, 30687

"Shall an additional levy of taxes be made for a period of 30688
twenty-three years to benefit the (here insert name 30689
of school district) school district, the proceeds of which shall 30690
be used to pay the cost of maintaining (or upgrading if approved 30691
by the commission) the classroom facilities included in the 30692
project at the rate of (here insert the number of 30693
mills, which shall not be less than one-half mill) mills for each 30694
one dollar of valuation? 30695

	FOR THE BOND ISSUE AND TAX LEVY
	AGAINST THE BOND ISSUE AND TAX LEVY

"

(2) If authority is sought to issue bonds in more than one 30700
series and the board of education so elects, the form of the 30701
ballot shall be as prescribed in section 3318.062 of the Revised 30702
Code. If the board of education elects the form of the ballot 30703
prescribed in that section, it shall so state in the resolution 30704

adopted under this section. 30705

(D) If it is necessary for the school district to acquire a 30706
site for the classroom facilities to be acquired pursuant to 30707
sections 3318.01 to 3318.20 of the Revised Code, the district 30708
board may propose either to issue bonds of the board or to levy a 30709
tax to pay for the acquisition of such site, and may combine the 30710
question of doing so with the questions specified in division (B) 30711
of this section. Bonds issued under this division for the purpose 30712
of acquiring a site are a general obligation of the school 30713
district and are Chapter 133. securities. 30714

The form of that portion of the ballot to include the 30715
question of either issuing bonds or levying a tax for site 30716
acquisition purposes shall be one of the following: 30717

(1) "Shall bonds be issued by the (here insert 30718
name of the school district) school district to pay costs of 30719
acquiring a site for classroom facilities under the State of Ohio 30720
Classroom Facilities Assistance Program in the principal amount of 30721
..... (here insert principal amount of the bond issue), to be 30722
repaid annually over a maximum period of (here insert 30723
maximum number of years over which the principal of the bonds may 30724
be paid) years, and an annual levy of property taxes be made 30725
outside the ten-mill limitation, estimated by the county auditor 30726
to average over the repayment period of the bond issue 30727
(here insert number of mills) mills for each one dollar of tax 30728
valuation, which amount to (here insert rate expressed 30729
in cents or dollars and cents, such as "thirty-six cents" or 30730
"\$0.36") for each one hundred dollars of valuation to pay the 30731
annual debt charges on the bonds and to pay debt charges on any 30732
notes issued in anticipation of the bonds?" 30733

(2) "Shall an additional levy of taxes outside the ten-mill 30734
limitation be made for the benefit of the (here insert 30735
name of the school district) school district for the purpose of 30736

acquiring a site for classroom facilities in the sum of 30737
(here insert annual amount the levy is to produce) estimated by 30738
the county auditor to average (here insert number of 30739
mills) mills for each one hundred dollars of valuation, for a 30740
period of (here insert number of years the millage is to 30741
be imposed) years?" 30742

Where it is necessary to combine the question of issuing 30743
bonds of the school district and levying a tax as described in 30744
division (B) of this section with the question of issuing bonds of 30745
the school district for acquisition of a site, the question 30746
specified in that division to be voted on shall be "For the Bond 30747
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 30748
Levy." 30749

Where it is necessary to combine the question of issuing 30750
bonds of the school district and levying a tax as described in 30751
division (B) of this section with the question of levying a tax 30752
for the acquisition of a site, the question specified in that 30753
division to be voted on shall be "For the Bond Issue and the Tax 30754
Levies" and "Against the Bond Issue and the Tax Levies." 30755

Where the school district board chooses to combine the 30756
question in division (B) of this section with any of the 30757
additional questions described in divisions (A) to (D) of section 30758
3318.056 of the Revised Code, the question specified in division 30759
(B) of this section to be voted on shall be "For the Bond Issues 30760
and the Tax Levies" and "Against the Bond Issues and the Tax 30761
Levies." 30762

If a majority of those voting upon a proposition hereunder 30763
which includes the question of issuing bonds vote in favor 30764
thereof, and if the agreement provided for by section 3318.08 of 30765
the Revised Code has been entered into, the school district board 30766
may proceed under Chapter 133. of the Revised Code, with the 30767
issuance of bonds or bond anticipation notes in accordance with 30768

the terms of the agreement. 30769

Sec. 3318.061. This section applies only to school districts 30770
eligible to receive additional assistance under division (B)(2) of 30771
section 3318.04 of the Revised Code. 30772

The board of education of a school district in which a tax 30773
described by division (B) of section 3318.05 and levied under 30774
section 3318.06 of the Revised Code is in effect, may adopt a 30775
resolution by vote of a majority of its members to extend the term 30776
of that tax beyond the expiration of that tax as originally 30777
approved under that section. The school district board may include 30778
in the resolution a proposal to extend the term of that tax at the 30779
rate of not less than one-half mill for each dollar of valuation 30780
for a period of twenty-three years from the year in which the 30781
school district board and the Ohio facilities construction 30782
commission enter into an agreement under division (B)(2) of 30783
section 3318.04 of the Revised Code or in the following year, as 30784
specified in the resolution. Such a resolution may be adopted at 30785
any time before such an agreement is entered into and before the 30786
tax levied pursuant to section 3318.06 of the Revised Code 30787
expires. If the resolution is combined with a resolution to issue 30788
bonds to pay the school district's portion of the basic project 30789
cost, it shall conform with the requirements of divisions (A)(1), 30790
(2), and (3) of section 3318.06 of the Revised Code, except that 30791
the resolution also shall state that the tax levy proposed in the 30792
resolution is an extension of an existing tax levied under that 30793
section. A resolution proposing an extension adopted under this 30794
section does not take effect until it is approved by a majority of 30795
electors voting in favor of the resolution at a general, primary, 30796
or special election as provided in this section. 30797

A tax levy extended under this section is subject to the same 30798
terms and limitations to which the original tax levied under 30799

section 3318.06 of the Revised Code is subject under that section, 30800
 except the term of the extension shall be as specified in this 30801
 section. 30802

The school district board shall certify a copy of the 30803
 resolution adopted under this section to the proper county board 30804
 of elections not later than ninety days before the date set in the 30805
 resolution as the date of the election at which the question will 30806
 be submitted to electors. The notice of the election shall conform 30807
 with the requirements of division (A)(3) of section 3318.06 of the 30808
 Revised Code, except that the notice also shall state that the 30809
 maintenance tax levy is an extension of an existing tax levy. 30810

The form of the ballot shall be as follows: 30811

"Shall the existing tax levied to pay the cost of maintaining 30812
(or upgrading if approved by the Ohio facilities construction 30813
commission) classroom facilities constructed with the proceeds of 30814
 the previously issued bonds at the rate of (here insert 30815
 the number of mills, which shall not be less than one-half mill) 30816
 mills per dollar of tax valuation, be extended until 30817
 (here insert the year that is twenty-three years after the year in 30818
 which the district and commission will enter into an agreement 30819
 under division (B)(2) of section 3318.04 of the Revised Code or 30820
 the following year)? 30821

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	

30822
 30823
 " 30824

Section 3318.07 of the Revised Code applies to ballot 30826
 questions under this section. 30827

Sec. 3318.062. (A) If authority is sought to issue bonds in 30828
 more than one series to pay the school district's portion of the 30829

basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of (total principal amount of the bond issue), to be issued in (number of series) series, each series to be repaid annually over not more than (maximum number of years over which the principal of each series may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation to pay the annual debt charges on the bonds and on any notes issued in anticipation of the bonds, at a rate estimated by the county auditor to average over the repayment period of each series as follows: (insert the following for each series: "the series, in a principal amount of dollars, requiring mills per dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars in tax valuation, commencing in and first payable in)?"

and, unless the additional levy of taxes is not required pursuant to division (C) of section 3318.05 of the Revised Code,

"Shall an additional levy of taxes be made for a period of twenty-three years to benefit the (here insert name of school district) school district, the proceeds of which shall be used to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) the classroom facilities included in the project at the rate of (here insert the number of mills, which shall not be less than one-half

mill) mills for each one dollar of valuation? 30862

30863

	For the bond issue
	Against the bond issue

30864

"

30865

30866

(B) If it is necessary for the school district to acquire a 30867
 site for the classroom facilities to be acquired pursuant to 30868
 sections 3318.01 to 3318.20 of the Revised Code, the district 30869
 board may propose either to issue bonds of the board or to levy a 30870
 tax to pay for the acquisition of such site, and may combine the 30871
 question of doing so with the questions specified in division (A) 30872
 of this section. Bonds issued under this division for the purpose 30873
 of acquiring a site are a general obligation of the school 30874
 district and are Chapter 133. securities. 30875

The form of that portion of the ballot to include the 30876
 question of either issuing bonds or levying a tax for site 30877
 acquisition purposes shall be one of the forms prescribed in 30878
 division (D) of section 3318.06 of the Revised Code. 30879

(C) Where the school district board chooses to combine the 30880
 question in division (A) of this section with any of the 30881
 additional questions described in divisions (A) to (D) of section 30882
 3318.056 of the Revised Code, the question specified in division 30883
 (A) of this section to be voted on shall be "For the Bond Issues 30884
 and the Tax Levies" and "Against the Bond Issues and the Tax 30885
 Levies." 30886

(D) If a majority of those voting upon a proposition 30887
 prescribed in this section which includes the question of issuing 30888
 bonds vote in favor of that issuance, and if the agreement 30889
 prescribed in section 3318.08 of the Revised Code has been entered 30890
 into, the school district board may proceed under Chapter 133. of 30891
 the Revised Code with the issuance of bonds or bond anticipation 30892

notes in accordance with the terms of the agreement. 30893

Sec. 3318.063. If the board of education of a city, exempted 30894
village, or local school district that has entered into an 30895
agreement under section 3318.051 of the Revised Code to make 30896
transfers of money in lieu of levying the tax for maintenance or 30897
upgrade of the classroom facilities included in the district's 30898
project determines that it no longer can continue making the 30899
transfers so agreed to and desires to rescind that agreement, the 30900
board shall adopt the resolution to submit the question of the tax 30901
levy prescribed in this section. 30902

The resolution shall declare that the question of a tax levy 30903
specified in division (F) of section 3318.051 of the Revised Code 30904
shall be submitted to the electors of the school district at the 30905
next general or primary election, if there be a general or primary 30906
election not less than seventy-five and not more than ninety-five 30907
days after the day of the adoption of such resolution or, if not, 30908
at a special election to be held at a time specified in the 30909
resolution which shall be not less than seventy-five days after 30910
the day of the adoption of the resolution and which shall be in 30911
accordance with the requirements of section 3501.01 of the Revised 30912
Code. Such resolution shall specify both of the following: 30913

(A) That the rate which it is necessary to levy shall be at 30914
the rate of not less than one-half mill for each one dollar of 30915
valuation, and that such tax shall be levied for the number of 30916
years required by division (F) of section 3318.051 of the Revised 30917
Code; 30918

(B) That the proceeds of the tax shall be used to pay the 30919
cost of maintaining the classroom facilities included in the 30920
project. 30921

A copy of such resolution shall after its passage and not 30922
less than seventy-five days prior to the date set therein for the 30923

election be certified to the county board of elections. 30924

Notice of the election shall include the fact that the tax 30925
levy shall be at the rate of not less than one-half mill for each 30926
one dollar of valuation for the number of years required by 30927
division (F) of section 3318.051 of the Revised Code, and that the 30928
proceeds of the tax shall be used to pay the cost of maintaining 30929
the classroom facilities included in the project. 30930

The form of the ballot to be used at such election shall be: 30931

"Shall a levy of taxes be made for a period of 30932
(here insert the number of years, which shall not be less than the 30933
number required by division (F) of section 3318.051 of the Revised 30934
Code) years to benefit the (here insert name of 30935
school district) school district, the proceeds of which shall be 30936
used to pay the cost of maintaining (or upgrading if approved by 30937
the Ohio facilities construction commission) the classroom 30938
facilities included in the project at the rate of (here 30939
insert the number of mills, which shall not be less than one-half 30940
mill) mills for each one dollar of valuation? 30941

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

30942
30943
30944
30945

Sec. 3318.36. (A)(1) As used in this section: 30946

(a) "Ohio facilities construction commission," "classroom 30947
facilities," "school district," "school district board," "net 30948
bonded indebtedness," "required percentage of the basic project 30949
costs," "basic project cost," "valuation," and "percentile" have 30950
the same meanings as in section 3318.01 of the Revised Code. 30951

(b) "Required level of indebtedness" means five per cent of 30952
the school district's valuation for the year preceding the year in 30953

which the commission and school district enter into an agreement 30954
under division (B) of this section, plus [two one-hundredths of 30955
one per cent multiplied by (the percentile in which the district 30956
ranks minus one)]. 30957

(c) "Local resources" means any moneys generated in any 30958
manner permitted for a school district board to raise the school 30959
district portion of a project undertaken with assistance under 30960
sections 3318.01 to 3318.20 of the Revised Code. 30961

(2) For purposes of determining the required level of 30962
indebtedness, the required percentage of the basic project costs 30963
under division (C)(1) of this section, and priority for assistance 30964
under sections 3318.01 to 3318.20 of the Revised Code, the 30965
percentile ranking of a school district with which the commission 30966
has entered into an agreement under this section between the first 30967
day of July and the thirty-first day of August in each fiscal year 30968
is the percentile ranking calculated for that district for the 30969
immediately preceding fiscal year, and the percentile ranking of a 30970
school district with which the commission has entered into such 30971
agreement between the first day of September and the thirtieth day 30972
of June in each fiscal year is the percentile ranking calculated 30973
for that district for the current fiscal year. 30974

(B)(1) There is hereby established the school building 30975
assistance expedited local partnership program. Under the program, 30976
the Ohio facilities construction commission may enter into an 30977
agreement with the board of any school district under which the 30978
board may proceed with the new construction or major repairs of a 30979
part of the district's classroom facilities needs, as determined 30980
under sections 3318.01 to 3318.20 of the Revised Code, through the 30981
expenditure of local resources prior to the school district's 30982
eligibility for state assistance under those sections, and may 30983
apply that expenditure toward meeting the school district's 30984
portion of the basic project cost of the total of the district's 30985

classroom facilities needs, as recalculated under division (E) of 30986
this section, when the district becomes eligible for state 30987
assistance under sections 3318.01 to 3318.20 or section 3318.364 30988
of the Revised Code. ~~Any~~ 30989

Any school district that is reasonably expected to receive 30990
assistance under sections 3318.01 to 3318.20 of the Revised Code 30991
within two fiscal years from the date the school district adopts 30992
its resolution under division (B) of this section shall not be 30993
eligible to participate in the program established under this 30994
section unless that school district divides its project under 30995
those sections into segments as authorized by section 3318.034 of 30996
the Revised Code. In the case of a school district that has 30997
segmented its project as authorized in section 3318.034 of the 30998
Revised Code, the district shall select a discrete portion of one 30999
or more future segments of its project, to which the district may 31000
apply local resources under an agreement under this section prior 31001
to further state assistance for those future segments under 31002
sections 3318.01 to 3318.20 of the Revised Code. 31003

(2) To participate in the program, a school district board 31004
shall first adopt a resolution certifying to the commission the 31005
board's intent to participate in the program. 31006

The resolution shall specify the approximate date that the 31007
board intends to seek elector approval of any bond or tax measures 31008
or to apply other local resources to use to pay the cost of 31009
classroom facilities to be constructed under this section. The 31010
resolution may specify the application of local resources or 31011
elector-approved bond or tax measures after the resolution is 31012
adopted by the board, and in such case the board may proceed with 31013
a discrete portion of its project under this section as soon as 31014
the commission and the controlling board have approved the basic 31015
project cost of the district's classroom facilities needs as 31016
specified in division (D) of this section. The board shall submit 31017

its resolution to the commission not later than ten days after the 31018
date the resolution is adopted by the board. 31019

The commission shall not consider any resolution that is 31020
submitted pursuant to division (B)(2) of this section, as amended 31021
by this amendment, sooner than September 14, 2000. 31022

(3) For purposes of determining when a district that enters 31023
into an agreement under this section becomes eligible for 31024
assistance under sections 3318.01 to 3318.20 of the Revised Code 31025
or priority for assistance under section 3318.364 of the Revised 31026
Code, the commission shall use the district's percentile ranking 31027
determined at the time the district entered into the agreement 31028
under this section, as prescribed by division (A)(2) of this 31029
section. 31030

(4) Any project under this section shall comply with section 31031
3318.03 of the Revised Code and with any specifications for plans 31032
and materials for classroom facilities adopted by the commission 31033
under section 3318.04 of the Revised Code. 31034

(5) If a school district that enters into an agreement under 31035
this section has not begun a project applying local resources as 31036
provided for under that agreement at the time the district is 31037
notified by the commission that it is eligible to receive state 31038
assistance for its project under sections 3318.01 to 3318.20 of 31039
the Revised Code or for a segment of its project, if the district 31040
previously segmented its project as authorized in section 3318.034 31041
of the Revised Code, all assessment and agreement documents 31042
entered into under this section are void. 31043

(6) Only construction of or repairs to classroom facilities 31044
that have been approved by the commission and have been therefore 31045
included as part of a district's basic project cost qualify for 31046
application of local resources under this section. 31047

(C) Based on the results of on-site visits and assessment, 31048

the commission shall determine the basic project cost of the 31049
school district's classroom facilities needs. The commission shall 31050
determine the school district's portion of such basic project 31051
cost, which shall be the greater of: 31052

(1) The required percentage of the basic project costs, 31053
determined based on the school district's percentile ranking; 31054

(2) An amount necessary to raise the school district's net 31055
bonded indebtedness, as of the fiscal year the commission and the 31056
school district enter into the agreement under division (B) of 31057
this section, to within five thousand dollars of the required 31058
level of indebtedness. 31059

(D)(1) When the commission determines the basic project cost 31060
of the classroom facilities needs of a school district and the 31061
school district's portion of that basic project cost under 31062
division (C) of this section, the project shall be conditionally 31063
approved. Such conditional approval shall be submitted to the 31064
controlling board for approval thereof. The controlling board 31065
shall forthwith approve or reject the commission's determination, 31066
conditional approval, and the amount of the state's portion of the 31067
basic project cost; however, no state funds shall be encumbered 31068
under this section. Upon approval by the controlling board, the 31069
school district board may identify a discrete part of its 31070
classroom facilities needs, which shall include only new 31071
construction of or additions or major repairs to a particular 31072
building, to address with local resources. Upon identifying a part 31073
of the school district's basic project cost to address with local 31074
resources, the school district board may allocate any available 31075
school district moneys to pay the cost of that identified part, 31076
including the proceeds of an issuance of bonds if approved by the 31077
electors of the school district. 31078

All local resources utilized under this division shall first 31079
be deposited in the project construction account required under 31080

section 3318.08 of the Revised Code. 31081

(2) Unless the school district board exercises its option 31082
under division (D)(3) of this section, for a school district to 31083
qualify for participation in the program authorized under this 31084
section, one of the following conditions shall be satisfied: 31085

(a) The electors of the school district by a majority vote 31086
shall approve the levy of taxes outside the ten-mill limitation 31087
for a period of twenty-three years at the rate of not less than 31088
one-half mill for each dollar of valuation to be used to pay the 31089
cost of maintaining or upgrading, if approved by the commission, 31090
the classroom facilities included in the basic project cost as 31091
determined by the commission. The form of the ballot to be used to 31092
submit the question whether to approve the tax required under this 31093
division to the electors of the school district shall be the form 31094
for an additional levy of taxes prescribed in section 3318.361 of 31095
the Revised Code, which may be combined in a single ballot 31096
question with the questions prescribed under section 5705.218 of 31097
the Revised Code. 31098

(b) As authorized under division (C) of section 3318.05 of 31099
the Revised Code, the school district board shall earmark from the 31100
proceeds of a permanent improvement tax levied under section 31101
5705.21 of the Revised Code, an amount equivalent to the 31102
additional tax otherwise required under division (D)(2)(a) of this 31103
section for the maintenance of the classroom facilities included 31104
in the basic project cost as determined by the commission. 31105

(c) As authorized under section 3318.051 of the Revised Code, 31106
the school district board shall, if approved by the commission, 31107
annually transfer into the maintenance fund required under section 31108
3318.05 of the Revised Code the amount prescribed in section 31109
3318.051 of the Revised Code in lieu of the tax otherwise required 31110
under division (D)(2)(a) of this section for the maintenance of 31111
the classroom facilities included in the basic project cost as 31112

determined by the commission. 31113

(d) If the school district board has rescinded the agreement 31114
to make transfers under section 3318.051 of the Revised Code, as 31115
provided under division (F) of that section, the electors of the 31116
school district, in accordance with section 3318.063 of the 31117
Revised Code, first shall approve the levy of taxes outside the 31118
ten-mill limitation for the period specified in that section at a 31119
rate of not less than one-half mill for each dollar of valuation. 31120

(e) The school district board shall apply the proceeds of a 31121
tax to leverage bonds as authorized under section 3318.052 of the 31122
Revised Code or dedicate a local donated contribution in the 31123
manner described in division (B) of section 3318.084 of the 31124
Revised Code in an amount equivalent to the additional tax 31125
otherwise required under division (D)(2)(a) of this section for 31126
the maintenance of the classroom facilities included in the basic 31127
project cost as determined by the commission. 31128

(3) A school district board may opt to delay taking any of 31129
the actions described in division (D)(2) of this section until the 31130
school district becomes eligible for state assistance under 31131
sections 3318.01 to 3318.20 of the Revised Code. In order to 31132
exercise this option, the board shall certify to the commission a 31133
resolution indicating the board's intent to do so prior to 31134
entering into an agreement under division (B) of this section. 31135

(4) If pursuant to division (D)(3) of this section a district 31136
board opts to delay levying an additional tax until the district 31137
becomes eligible for state assistance, it shall submit the 31138
question of levying that tax to the district electors as follows: 31139

(a) In accordance with section 3318.06 of the Revised Code if 31140
it will also be necessary pursuant to division (E) of this section 31141
to submit a proposal for approval of a bond issue; 31142

(b) In accordance with section 3318.361 of the Revised Code 31143

if it is not necessary to also submit a proposal for approval of a 31144
bond issue pursuant to division (E) of this section. 31145

(5) No state assistance under sections 3318.01 to 3318.20 of 31146
the Revised Code shall be released until a school district board 31147
that adopts and certifies a resolution under division (D) of this 31148
section also demonstrates to the satisfaction of the commission 31149
compliance with the provisions of division (D)(2) of this section. 31150

Any amount required for maintenance under division (D)(2) of 31151
this section shall be deposited into a separate fund as specified 31152
in division (B) of section 3318.05 of the Revised Code. 31153

(E)(1) If the school district becomes eligible for state 31154
assistance under sections 3318.01 to 3318.20 of the Revised Code 31155
for its entire project or for future segments, if the district 31156
previously segmented its project as authorized in section 3318.034 31157
of the Revised Code, based on its percentile ranking under 31158
division (B)(3) of this section or is offered assistance under 31159
section 3318.364 of the Revised Code, the commission shall conduct 31160
a new assessment of the school district's classroom facilities 31161
needs and shall recalculate the basic project cost based on this 31162
new assessment. The basic project cost recalculated under this 31163
division shall include the amount of expenditures made by the 31164
school district board under division (D)(1) of this section. The 31165
commission shall then recalculate the school district's portion of 31166
the new basic project cost, which shall be the percentage of the 31167
original basic project cost assigned to the school district as its 31168
portion under division (C) of this section. The commission shall 31169
deduct the expenditure of school district moneys made under 31170
division (D)(1) of this section from the school district's portion 31171
of the basic project cost as recalculated under this division. If 31172
the amount of school district resources applied by the school 31173
district board to the school district's portion of the basic 31174
project cost under this section is less than the total amount of 31175

such portion as recalculated under this division, the school 31176
district board by a majority vote of all of its members shall, if 31177
it desires to seek state assistance under sections 3318.01 to 31178
3318.20 of the Revised Code, adopt a resolution as specified in 31179
section 3318.06 of the Revised Code to submit to the electors of 31180
the school district the question of approval of a bond issue in 31181
order to pay any additional amount of school district portion 31182
required for state assistance. Any tax levy approved under 31183
division (D) of this section satisfies the requirements to levy 31184
the additional tax under section 3318.06 of the Revised Code. 31185

(2) If the amount of school district resources applied by the 31186
school district board to the school district's portion of the 31187
basic project cost under this section is more than the total 31188
amount of such portion as recalculated under this division, within 31189
one year after the school district's portion is recalculated under 31190
division (E)(1) of this section the commission may grant to the 31191
school district the difference between the two calculated 31192
portions, but at no time shall the commission expend any state 31193
funds on a project in an amount greater than the state's portion 31194
of the basic project cost as recalculated under this division. 31195

Any reimbursement under this division shall be only for local 31196
resources the school district has applied toward construction cost 31197
expenditures for the classroom facilities approved by the 31198
commission, which shall not include any financing costs associated 31199
with that construction. 31200

The school district board shall use any moneys reimbursed to 31201
the district under this division to pay off any debt service the 31202
district owes for classroom facilities constructed under its 31203
project under this section before such moneys are applied to any 31204
other purpose. However, the district board first may deposit 31205
moneys reimbursed under this division into the district's general 31206
fund or a permanent improvement fund to replace local resources 31207

the district withdrew from those funds, as long as, and to the 31208
extent that, those local resources were used by the district for 31209
constructing classroom facilities included in the district's basic 31210
project cost. 31211

Sec. 3318.361. A school district board opting to qualify for 31212
state assistance pursuant to section 3318.36 of the Revised Code 31213
through levying the tax specified in division (D)(2)(a) or (D)(4) 31214
of that section shall declare by resolution that the question of a 31215
tax levy specified in division (D)(2)(a) or (4), as applicable, of 31216
section 3318.36 of the Revised Code shall be submitted to the 31217
electors of the school district at the next general or primary 31218
election, if there be a general or primary election not less than 31219
ninety and not more than one hundred ten days after the day of the 31220
adoption of such resolution or, if not, at a special election to 31221
be held at a time specified in the resolution which shall be not 31222
less than ninety days after the day of the adoption of the 31223
resolution and which shall be in accordance with the requirements 31224
of section 3501.01 of the Revised Code. Such resolution shall 31225
specify both of the following: 31226

(A) That the rate which it is necessary to levy shall be at 31227
the rate of not less than one-half mill for each one dollar of 31228
valuation, and that such tax shall be levied for a period of 31229
twenty-three years; 31230

(B) That the proceeds of the tax shall be used to pay the 31231
cost of maintaining the classroom facilities included in the 31232
project or upgrading those facilities if approved by the Ohio 31233
facilities construction commission. 31234

A copy of such resolution shall after its passage and not 31235
less than ninety days prior to the date set therein for the 31236
election be certified to the county board of elections. 31237

Notice of the election shall include the fact that the tax 31238

levy shall be at the rate of not less than one-half mill for each 31239
one dollar of valuation for a period of twenty-three years, and 31240
that the proceeds of the tax shall be used to pay the cost of 31241
maintaining or upgrading the classroom facilities included in the 31242
project. 31243

The form of the ballot to be used at such election shall be: 31244

"Shall a levy of taxes be made for a period of twenty-three 31245
years to benefit the (here insert name of school 31246
district) school district, the proceeds of which shall be used to 31247
pay the cost of maintaining (or upgrading if approved by the Ohio 31248
facilities construction commission) the classroom facilities 31249
included in the project at the rate of (here insert the 31250
number of mills, which shall not be less than one-half mill) mills 31251
for each one dollar of valuation? 31252

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

31253
31254
31255
31256

Sec. 3319.236. (A) Except as provided in division (B) of this 31257
section, a school district shall require an individual to hold a 31258
valid educator license in computer science, or have a license 31259
endorsement in computer technology and a passing score on a 31260
content examination in the area of computer science, to teach 31261
computer science courses. 31262

(B) A school district may employ an individual, for the 31263
purpose of teaching computer science courses, who holds a valid 31264
educator license in any of grades kindergarten through twelve, 31265
provided the individual meets the requirements established by 31266
rules of the state board of education to qualify for a 31267
supplemental teaching license for teaching computer science. The 31268

rules shall require an applicant for a supplemental teaching 31269
license to pass a content examination in the area of computer 31270
science. The rules also shall permit an individual, after at least 31271
two years of successfully teaching computer science courses under 31272
the supplemental teaching license, to advance to a standard 31273
educator license in computer science by completing a pedagogy 31274
course applicable to the grade levels in which the individual is 31275
teaching. However, the rules may exempt an individual teaching 31276
computer science from the requirement to complete a pedagogy 31277
course if the individual previously completed a pedagogy course 31278
applicable to the grade levels in which the individual is 31279
teaching. 31280

(C) In order for an individual to teach advanced placement 31281
computer science courses, a school district shall require the 31282
individual, who holds a valid educator license in any content area 31283
for any of grades seven through twelve, to ~~also~~ complete a 31284
professional development program endorsed or provided by the 31285
organization that creates and administers national advanced 31286
placement examinations. For this purpose, the individual may 31287
complete the program at any time during the calendar year. 31288

A professional development program completed for purposes of 31289
this division shall satisfy the requirements for teaching the 31290
advanced placement computer science course. 31291

Sec. 3319.26. (A) The state board of education shall adopt 31292
rules establishing the standards and requirements for obtaining an 31293
alternative resident educator license for teaching in grades 31294
kindergarten to twelve, or the equivalent, in a designated subject 31295
area or in the area of intervention specialist, as defined by rule 31296
of the state board. The rules shall also include the reasons for 31297
which an alternative resident educator license may be renewed 31298
under division (D) of this section. 31299

(B) The superintendent of public instruction and the 31300
chancellor of ~~the Ohio board of regents~~ higher education jointly 31301
shall develop an intensive pedagogical training institute to 31302
provide instruction in the principles and practices of teaching 31303
for individuals seeking an alternative resident educator license. 31304
The instruction shall cover such topics as student development and 31305
learning, pupil assessment procedures, curriculum development, 31306
classroom management, and teaching methodology. 31307

(C) The rules adopted under this section shall require 31308
applicants for the alternative resident educator license to 31309
satisfy the following conditions prior to issuance of the license, 31310
but they shall not require applicants to have completed a major or 31311
coursework in the subject area for which application is being 31312
made: 31313

(1) Hold a minimum of a baccalaureate degree; 31314

(2) Successfully complete the pedagogical training institute 31315
described in division (B) of this section or ~~a summer~~ the 31316
preservice training ~~institute~~ provided to participants of a 31317
teacher preparation program that ~~is operated by a nonprofit~~ 31318
~~organization and~~ has been approved by the chancellor. The 31319
chancellor shall approve any such program that requires 31320
participants to hold a bachelor's degree; have a cumulative 31321
undergraduate grade point average of at least 2.5 out of 4.0, or 31322
its equivalent; and successfully complete the program's ~~summer~~ 31323
preservice training ~~institute~~. 31324

(3) Pass an examination in the subject area for which 31325
application is being made. 31326

(D) An alternative resident educator license shall be valid 31327
for four years and shall be renewable for reasons specified by 31328
rules adopted by the state board pursuant to division (A) of this 31329
section. The state board, on a case-by-case basis, may extend the 31330

license's duration as necessary to enable the license holder to 31331
complete the Ohio teacher residency program established under 31332
section 3319.223 of the Revised Code. 31333

(E) The rules shall require the holder of an alternative 31334
resident educator license, as a condition of continuing to hold 31335
the license, to do all of the following: 31336

(1) Participate in the Ohio teacher residency program; 31337

(2) Show satisfactory progress in taking and successfully 31338
completing one of the following: 31339

(a) At least twelve additional semester hours, or the 31340
equivalent, of college coursework in the principles and practices 31341
of teaching in such topics as student development and learning, 31342
pupil assessment procedures, curriculum development, classroom 31343
management, and teaching methodology; 31344

(b) Professional development provided by a teacher 31345
preparation program that has been approved by the chancellor under 31346
division (C)(2) of this section. 31347

(3) Take an assessment of professional knowledge in the 31348
second year of teaching under the license. 31349

(F) The rules shall provide for the granting of a 31350
professional educator license to a holder of an alternative 31351
resident educator license upon successfully completing all of the 31352
following: 31353

(1) Four years of teaching under the alternative license; 31354

(2) The additional college coursework or professional 31355
development described in division (E)(2) of this section; 31356

(3) The assessment of professional knowledge described in 31357
division (E)(3) of this section. The standards for successfully 31358
completing this assessment and the manner of conducting the 31359
assessment shall be the same as for any other individual who is 31360

required to take the assessment pursuant to rules adopted by the 31361
state board under section 3319.22 of the Revised Code. 31362

(4) The Ohio teacher residency program; 31363

(5) All other requirements for a professional educator 31364
license adopted by the state board under section 3319.22 of the 31365
Revised Code. 31366

(G) A person who is assigned to teach in this state as a 31367
participant in the teach for America program or who has completed 31368
two years of teaching in another state as a participant in that 31369
program shall be eligible for a license only under section 31370
3319.227 of the Revised Code and shall not be eligible for a 31371
license under this section. 31372

Sec. 3319.272. (A) ~~As used in this section, the~~ The "bright 31373
new leaders for Ohio schools program" ~~means the program created~~ 31374
~~and implemented by the nonprofit corporation incorporated pursuant~~ 31375
~~to section 3319.271 of the Revised Code to~~ administered by the 31376
Ohio state university Fisher college of business and college 31377
education and human ecology shall provide an alternative path for 31378
individuals to receive training and development in the 31379
administration of primary and secondary education and leadership, 31380
enable those individuals to earn degrees and obtain licenses in 31381
public school administration, and promote the placement of those 31382
individuals in public schools that have a poverty percentage 31383
greater than fifty per cent. 31384

(B) The state board of education shall issue ~~an alternative~~ 31385
~~principal license or an administrator license, as applicable, a~~ 31386
professional administrator license for grades pre-kindergarten 31387
through twelve to an individual who successfully completes the 31388
bright new leaders for Ohio schools program and satisfies the 31389
requirements in rules adopted by the state board under division 31390
(C) of this section. 31391

(C) The state board, in consultation with the ~~board of~~ 31392
~~directors of the~~ bright new leaders for Ohio schools program, 31393
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 31394
~~alternative principal license or an~~ a professional administrator 31395
license for grades pre-kindergarten through twelve under this 31396
section. The state board shall use the rules adopted under section 31397
3319.27 of the Revised Code as guidance in developing the rules 31398
adopted under this division. 31399

Sec. 3319.283. (A) The board of education of any school 31400
district may employ an individual who is not certificated or 31401
licensed as required by Chapter 3319. of the Revised Code, but who 31402
meets the following qualifications, as a teacher in the schools of 31403
the district: 31404

(1) The individual is a veteran of the armed forces of the 31405
United States and was honorably discharged within three years of 31406
June 30, 1997; 31407

(2) While in the armed forces the individual had meaningful 31408
teaching or other instructional experience; 31409

(3) The individual holds at least a baccalaureate degree. 31410

(B) An individual employed under this section shall be deemed 31411
to hold a teaching certificate or educator license for the 31412
purposes of state and federal law and rules and regulations and 31413
school district policies, rules, and regulations. ~~However, an~~ 31414
~~individual employed under this section is not a properly certified~~ 31415
~~or licensed teacher for purposes of the school district's~~ 31416
~~compliance with section 3319.074 of the Revised Code.~~ Each 31417
individual employed under this section shall meet the requirement 31418
to successfully complete fifteen hours, or the equivalent, of 31419
coursework every five years that is approved by the local 31420
professional development committee as is required of other 31421
teachers licensed in accordance with Chapter 3319. of the Revised 31422

Code. 31423

(C) The superintendent of public instruction may revoke the 31424
right of an individual employed under division (A) of this section 31425
to teach if, after an investigation and an adjudication conducted 31426
pursuant to Chapter 119. of the Revised Code, the superintendent 31427
finds that the person is not competent to teach the subject the 31428
person has been employed to teach or did not fulfill the 31429
requirements of division (A) of this section. No individual whose 31430
right to teach has been revoked under this division shall teach in 31431
a public school, and no board of education may engage such an 31432
individual to teach in the schools of its district. 31433

Notwithstanding division (B) of this section, a board of 31434
education is not required to comply with the provisions of 31435
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 31436
Code with regard to termination of employment if the 31437
superintendent, after an investigation and an adjudication, has 31438
revoked the individual's right to teach. 31439

Sec. 3326.031. (A) As authorized by the STEM committee, a 31440
single governing body may direct a group of multiple STEM schools 31441
to operate from multiple facilities located in one or more school 31442
districts to be organized and operated in the manner prescribed 31443
under this chapter except as specified by this section. Each 31444
school within the group shall operate as a separate school but 31445
under the direction of a common governing body. The governing body 31446
may employ a single treasurer, licensed in the manner prescribed 31447
by section 3326.21 of the Revised Code, to manage the fiscal 31448
affairs of all of the schools within the group. Each school shall 31449
have a chief administrative officer, as required by section 31450
3326.08 of the Revised Code, but the governing body may in its 31451
discretion appoint a single individual to be the chief 31452
administrative officer of two or more schools in the group. No 31453

school within the group shall be organized or funded in the manner 31454
prescribed by section 3326.51 of the Revised Code. 31455

(B) The department shall calculate funds under this chapter 31456
for each STEM school within a group separately ~~and~~. It shall pay 31457
those funds ~~directly to each~~ to the governing body of the group. 31458
The governing body shall distribute to each STEM school within the 31459
group the full amount determined by the department for that 31460
school. 31461

(C) In accordance with section 3326.17 of the Revised Code, 31462
the department shall issue a separate report card for each STEM 31463
school within a group. The department also shall compute a rating 31464
for each group of schools and report that rating in a distinct 31465
report card for the group. 31466

(D) The department shall assign a separate internal retrieval 31467
number to each STEM school within a group. 31468

Sec. 3326.11. Each science, technology, engineering, and 31469
mathematics school established under this chapter and its 31470
governing body shall comply with sections 9.90, 9.91, 109.65, 31471
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 31472
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 31473
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 31474
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 31475
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 31476
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 31477
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 31478
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 31479
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31480
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 31481
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 31482
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 31483

3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 31484
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 31485
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 31486
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 31487
as if it were a school district. 31488

Sec. 3326.13. (A) Teachers employed by a science, technology, 31489
engineering, and mathematics school ~~shall be properly certified or~~ 31490
~~licensed teachers, as defined in section 3319.074 of the Revised~~ 31491
~~Code, and~~ shall be licensed under sections 3319.22 to 3319.31 of 31492
the Revised Code and rules of the state board of education 31493
implementing those sections. 31494

(B) No STEM school shall employ any classroom teacher 31495
initially hired on or after July 1, 2013, to provide instruction 31496
in physical education unless the teacher holds a valid license 31497
issued pursuant to section 3319.22 of the Revised Code for 31498
teaching physical education. 31499

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 31500
Revised Code: 31501

(A)(1) "Category one career-technical education student" 31502
means a student who is receiving the career-technical education 31503
services described in division (A) of section 3317.014 of the 31504
Revised Code. 31505

(2) "Category two career-technical student" means a student 31506
who is receiving the career-technical education services described 31507
in division (B) of section 3317.014 of the Revised Code. 31508

(3) "Category three career-technical student" means a student 31509
who is receiving the career-technical education services described 31510
in division (C) of section 3317.014 of the Revised Code. 31511

(4) "Category four career-technical student" means a student 31512

who is receiving the career-technical education services described 31513
in division (D) of section 3317.014 of the Revised Code. 31514

(5) "Category five career-technical education student" means 31515
a student who is receiving the career-technical education services 31516
described in division (E) of section 3317.014 of the Revised Code. 31517

(B)(1) "Category one ~~limited English proficient student~~ 31518
learner" means a ~~limited~~ an English ~~proficient student~~ learner 31519
described in division (A) of section 3317.016 of the Revised Code. 31520

(2) "Category two ~~limited English proficient student learner~~ 31521
means a ~~limited~~ an English ~~proficient student~~ learner described in 31522
division (B) of section 3317.016 of the Revised Code. 31523

(3) "Category three ~~limited English proficient student~~ 31524
learner" means a ~~limited~~ an English ~~proficient student~~ learner 31525
described in division (C) of section 3317.016 of the Revised Code. 31526

(C)(1) "Category one special education student" means a 31527
student who is receiving special education services for a 31528
disability specified in division (A) of section 3317.013 of the 31529
Revised Code. 31530

(2) "Category two special education student" means a student 31531
who is receiving special education services for a disability 31532
specified in division (B) of section 3317.013 of the Revised Code. 31533

(3) "Category three special education student" means a 31534
student who is receiving special education services for a 31535
disability specified in division (C) of section 3317.013 of the 31536
Revised Code. 31537

(4) "Category four special education student" means a student 31538
who is receiving special education services for a disability 31539
specified in division (D) of section 3317.013 of the Revised Code. 31540

(5) "Category five special education student" means a student 31541
who is receiving special education services for a disability 31542

specified in division (E) of section 3317.013 of the Revised Code.	31543
(6) "Category six special education student" means a student	31544
who is receiving special education services for a disability	31545
specified in division (F) of section 3317.013 of the Revised Code.	31546
(D) "Formula amount" has the same meaning as in section	31547
3317.02 of the Revised Code.	31548
(E) "IEP" means an individualized education program as	31549
defined in section 3323.01 of the Revised Code.	31550
(F) "Resident district" means the school district in which a	31551
student is entitled to attend school under section 3313.64 or	31552
3313.65 of the Revised Code.	31553
(G) "State education aid" has the same meaning as in section	31554
5751.20 of the Revised Code.	31555
Sec. 3326.32. Each science, technology, engineering, and	31556
mathematics school shall report to the department of education, in	31557
the form and manner required by the department, all of the	31558
following information:	31559
(A) The total number of students enrolled in the school who	31560
are residents of this state;	31561
(B) The number of students reported under division (A) of	31562
this section who are receiving special education and related	31563
services pursuant to an IEP;	31564
(C) For each student reported under division (B) of this	31565
section, which category specified in divisions (A) to (F) of	31566
section 3317.013 of the Revised Code applies to the student;	31567
(D) The full-time equivalent number of students reported	31568
under division (A) of this section who are enrolled in	31569
career-technical education programs or classes described in each	31570
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of	31571

the Revised Code that are provided by the STEM school; 31572

(E) The number of students reported under division (A) of 31573
this section who are ~~limited English proficient students~~ learners 31574
and which category specified in divisions (A) to (C) of section 31575
3317.016 of the Revised Code applies to each student; 31576

(F) The number of students reported under division (A) of 31577
this section who are economically disadvantaged, as defined by the 31578
department. A student shall not be categorically excluded from the 31579
number reported under division (F) of this section based on 31580
anything other than family income. 31581

(G) The resident district of each student reported under 31582
division (A) of this section; 31583

(H) The total number of students enrolled in the school who 31584
are not residents of this state and any additional information 31585
regarding these students that the department requires the school 31586
to report. The school shall not receive any payments under this 31587
chapter for students reported under this division. 31588

(I) Any additional information the department determines 31589
necessary to make payments under this chapter. 31590

Sec. 3326.33. For each student enrolled in a science, 31591
technology, engineering, and mathematics school established under 31592
this chapter, on a full-time equivalency basis, the department of 31593
education annually shall deduct from the state education aid of a 31594
student's resident school district and, if necessary, from the 31595
payment made to the district under sections 321.24 and 323.156 of 31596
the Revised Code and pay to the school or, if the student is 31597
enrolled in a school that is part of a group of STEM schools under 31598
section 3326.031 of the Revised Code, to the governing body of 31599
that group the sum of the following: 31600

(A) An opportunity grant in an amount equal to the formula 31601

amount;	31602
(B) The per pupil amount of targeted assistance funds	31603
calculated under division (A) of section 3317.0217 of the Revised	31604
Code for the student's resident district, as determined by the	31605
department, X 0.25;	31606
(C) Additional state aid for special education and related	31607
services provided under Chapter 3323. of the Revised Code as	31608
follows:	31609
(1) If the student is a category one special education	31610
student, the amount specified in division (A) of section 3317.013	31611
of the Revised Code;	31612
(2) If the student is a category two special education	31613
student, the amount specified in division (B) of section 3317.013	31614
of the Revised Code;	31615
(3) If the student is a category three special education	31616
student, the amount specified in division (C) of section 3317.013	31617
of the Revised Code;	31618
(4) If the student is a category four special education	31619
student, the amount specified in division (D) of section 3317.013	31620
of the Revised Code;	31621
(5) If the student is a category five special education	31622
student, the amount specified in division (E) of section 3317.013	31623
of the Revised Code;	31624
(6) If the student is a category six special education	31625
student, the amount specified in division (F) of section 3317.013	31626
of the Revised Code.	31627
(D) If the student is in kindergarten through third grade,	31628
\$320;	31629
(E) If the student is economically disadvantaged, an amount	31630
equal to the following:	31631

\$272 X the resident district's economically disadvantaged index	31632
(F) Limited English proficiency <u>learner</u> funds, as follows:	31633
(1) If the student is a category one limited English	31634
proficient student <u>learner</u> , the amount specified in division (A)	31635
of section 3317.016 of the Revised Code;	31636
(2) If the student is a category two limited English	31637
proficient student <u>learner</u> , the amount specified in division (B)	31638
of section 3317.016 of the Revised Code;	31639
(3) If the student is a category three limited English	31640
proficient student <u>learner</u> , the amount specified in division (C)	31641
of section 3317.016 of the Revised Code.	31642
(G) Career-technical education funds as follows:	31643
(1) If the student is a category one career-technical	31644
education student, the amount specified in division (A) of section	31645
3317.014 of the Revised Code;	31646
(2) If the student is a category two career-technical	31647
education student, the amount specified in division (B) of section	31648
3317.014 of the Revised Code;	31649
(3) If the student is a category three career-technical	31650
education student, the amount specified in division (C) of section	31651
3317.014 of the Revised Code;	31652
(4) If the student is a category four career-technical	31653
education student, the amount specified in division (D) of section	31654
3317.014 of the Revised Code;	31655
(5) If the student is a category five career-technical	31656
education student, the amount specified in division (E) of section	31657
3317.014 of the Revised Code.	31658
Deduction and payment of funds under division (G) of this	31659
section is subject to approval under section 3317.161 of the	31660
Revised Code.	31661

Sec. 3326.34. If a science, technology, engineering, and mathematics school established under this chapter incurs costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code that exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the STEM school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department of education shall pay to the school or, if the school is part of a group of science, technology, engineering, and mathematics schools under section 3326.031 of the Revised Code, to the governing body of that group an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3326.36. The department of education shall reduce the amounts paid to a science, technology, engineering, and mathematics school or to the governing body of a group of science, technology, engineering, and mathematics schools under section 3326.33 of the Revised Code to reflect payments made to colleges under section 3365.07 of the Revised Code. A student shall be considered enrolled in the school for any portion of the school year the student is attending a college under Chapter 3365. of the

Revised Code. 31693

Sec. 3326.37. The department of education shall not pay to a 31694
science, technology, engineering, and mathematics school or to the 31695
governing body of a group of science, technology, engineering, or 31696
mathematics schools any amount for any of the following: 31697

(A) Any student who has graduated from the twelfth grade of a 31698
public or nonpublic school; 31699

(B) Any student who is not a resident of the state; 31700

(C) Any student who was enrolled in a STEM school during the 31701
previous school year when assessments were administered under 31702
section 3301.0711 of the Revised Code but did not take one or more 31703
of the assessments required by that section and was not excused 31704
pursuant to division (C)(1) or (3) of that section, unless the 31705
superintendent of public instruction grants the student a waiver 31706
from the requirement to take the assessment. The superintendent 31707
may grant a waiver only for good cause in accordance with rules 31708
adopted by the state board of education. 31709

(D) Any student who has attained the age of twenty-two years, 31710
except for veterans of the armed services whose attendance was 31711
interrupted before completing the recognized twelve-year course of 31712
the public schools by reason of induction or enlistment in the 31713
armed forces and who apply for enrollment in a STEM school not 31714
later than four years after termination of war or their honorable 31715
discharge. If, however, any such veteran elects to enroll in 31716
special courses organized for veterans for whom tuition is paid 31717
under federal law, or otherwise, the department shall not pay to 31718
the school or to the governing body any amount for that veteran. 31719

Sec. 3326.41. (A) For purposes of this section: 31720

(1) "Formula amount" has the same meaning as in section 31721
3317.02 of the Revised Code. 31722

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 31723
31724

(3) A science, technology, engineering, and mathematics school's "third-grade reading proficiency percentage" means the percentage of the school's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the school's report card under section 3302.03 of the Revised Code. 31725
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(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school that is not part of a group of science, technology, engineering, and mathematics schools and to the governing body of each group of science, technology, engineering, and mathematics schools, for each school in that group, both of the following: 31733
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(1) A graduation bonus calculated according to the following formula: 31740
31741
The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 31742
31743
31744
31745
31746
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31748

(2) A third-grade reading bonus calculated according to the following formula: 31749
31750
The school's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the school's students scoring at a proficient level or higher on the third-grade English 31751
31752
31753

language arts assessment prescribed under division (A)(1)(a) of 31754
section 3301.0710 of the Revised Code for the immediately 31755
preceding school year 31756

Sec. 3326.42. (A) As used in this section: 31757

(1) "Base per pupil amount" has the same meaning as in 31758
section 3317.0219 of the Revised Code. 31759

(2) "Resident district" has the same meaning as in section 31760
3326.31 of the Revised Code. 31761

(B) Subject to division (C) of this section, for fiscal years 31762
2020 and 2021, the department of education shall calculate and pay 31763
to each science, technology, engineering, and mathematics school 31764
student wellness and success funds, on a full-time equivalency 31765
basis, for each student enrolled in the school as of the school's 31766
payment under section 3326.33 of the Revised Code in June of the 31767
immediately preceding fiscal year in an amount equal to the 31768
following: 31769

(The base per pupil amount of the student's resident district for 31770
that fiscal year + the scaled amount of the student's resident 31771
district, if any, computed under division (B)(4) of section 31772
3317.0219 of the Revised Code) 31773

However, each science, technology, engineering, and 31774
mathematics school shall receive a minimum payment of \$25,000, for 31775
fiscal year 2020, or \$30,000 for fiscal year 2021. 31776

(C) The department shall pay funds under division (B) of this 31777
section as follows: 31778

(1) One-half of the amount shall be paid not later than the 31779
thirty-first day of October of the fiscal year for which the 31780
payment is calculated. 31781

(2) One-half of the amount shall be paid not later than the 31782
twenty-eighth day of February of the fiscal year for which the 31783

payment is calculated. 31784

Upon making a payment for a fiscal year under this section, 31785
the department shall not make any reconciliations or adjustments 31786
to that payment. 31787

(D) A science, technology, engineering, and mathematics 31788
school that receives a payment under this section shall comply 31789
with section 3317.26 of the Revised Code. 31790

Sec. 3327.015. No board of education of a school district 31791
shall reduce the transportation it provides to students the 31792
district is not required to transport under section 3327.01 of the 31793
Revised Code, but that the district chooses to transport, during a 31794
school year after the first day of that school year. 31795

Sec. 3327.10. (A) No person shall be employed as driver of a 31796
school bus or motor van, owned and operated by any school district 31797
or educational service center or privately owned and operated 31798
under contract with any school district or service center in this 31799
state, who has not received a certificate from either the 31800
educational service center governing board that has entered into 31801
an agreement with the school district under section 3313.843 or 31802
3313.845 of the Revised Code or the superintendent of the school 31803
district, certifying that such person is at least eighteen years 31804
of age and is of good moral character and is qualified physically 31805
and otherwise for such position. The service center governing 31806
board or the superintendent, as the case may be, shall provide for 31807
an annual physical examination that conforms with rules adopted by 31808
the state board of education of each driver to ascertain the 31809
driver's physical fitness for such employment. ~~Any~~ The examination 31810
shall be performed by one of the following: 31811

(1) A person licensed under Chapter 4731. or 4734. of the 31812
Revised Code or by another state to practice medicine and surgery, 31813

<u>osteopathic medicine and surgery, or chiropractic;</u>	31814
<u>(2) A physician assistant;</u>	31815
<u>(3) A certified nurse practitioner;</u>	31816
<u>(4) A clinical nurse specialist;</u>	31817
<u>(5) A certified nurse-midwife;</u>	31818
<u>(6) A medical examiner who is listed on the national registry</u>	31819
<u>of certified medical examiners established by the federal motor</u>	31820
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	31821
<u>390.</u>	31822
<u>Any</u> certificate may be revoked by the authority granting the	31823
same on proof that the holder has been guilty of failing to comply	31824
with division (D)(1) of this section, or upon a conviction or a	31825
guilty plea for a violation, or any other action, that results in	31826
a loss or suspension of driving rights. Failure to comply with	31827
such division may be cause for disciplinary action or termination	31828
of employment under division (C) of section 3319.081, or section	31829
124.34 of the Revised Code.	31830
(B) No person shall be employed as driver of a school bus or	31831
motor van not subject to the rules of the department of education	31832
pursuant to division (A) of this section who has not received a	31833
certificate from the school administrator or contractor certifying	31834
that such person is at least eighteen years of age, is of good	31835
moral character, and is qualified physically and otherwise for	31836
such position. Each driver shall have an annual physical	31837
examination which conforms to the state highway patrol rules,	31838
ascertaining the driver's physical fitness for such employment.	31839
The examination shall be performed by one of the following:	31840
(1) A person licensed under Chapter 4731. or 4734. of the	31841
Revised Code or by another state to practice medicine and surgery,	31842
osteopathic medicine and surgery, or chiropractic;	31843

(2) A physician assistant;	31844
(3) A certified nurse practitioner;	31845
(4) A clinical nurse specialist;	31846
(5) A certified nurse-midwife;	31847
(6) A medical examiner who is listed on the national registry	31848
of certified medical examiners established by the federal motor	31849
carrier safety administration in accordance with 49 C.F.R. part	31850
390.	31851
Any written documentation of the physical examination shall	31852
be completed by the individual who performed the examination.	31853
Any certificate may be revoked by the authority granting the	31854
same on proof that the holder has been guilty of failing to comply	31855
with division (D)(2) of this section.	31856
(C) Any person who drives a school bus or motor van must give	31857
satisfactory and sufficient bond except a driver who is an	31858
employee of a school district and who drives a bus or motor van	31859
owned by the school district.	31860
(D) No person employed as driver of a school bus or motor van	31861
under this section who is convicted of a traffic violation or who	31862
has had the person's commercial driver's license suspended shall	31863
drive a school bus or motor van until the person has filed a	31864
written notice of the conviction or suspension, as follows:	31865
(1) If the person is employed under division (A) of this	31866
section, the person shall file the notice with the superintendent,	31867
or a person designated by the superintendent, of the school	31868
district for which the person drives a school bus or motor van as	31869
an employee or drives a privately owned and operated school bus or	31870
motor van under contract.	31871
(2) If employed under division (B) of this section, the	31872
person shall file the notice with the employing school	31873

administrator or contractor, or a person designated by the 31874
administrator or contractor. 31875

(E) In addition to resulting in possible revocation of a 31876
certificate as authorized by divisions (A) and (B) of this 31877
section, violation of division (D) of this section is a minor 31878
misdemeanor. 31879

(F)(1) Not later than thirty days after June 30, 2007, each 31880
owner of a school bus or motor van shall obtain the complete 31881
driving record for each person who is currently employed or 31882
otherwise authorized to drive the school bus or motor van. An 31883
owner of a school bus or motor van shall not permit a person to 31884
operate the school bus or motor van for the first time before the 31885
owner has obtained the person's complete driving record. 31886
Thereafter, the owner of a school bus or motor van shall obtain 31887
the person's driving record not less frequently than semiannually 31888
if the person remains employed or otherwise authorized to drive 31889
the school bus or motor van. An owner of a school bus or motor van 31890
shall not permit a person to resume operating a school bus or 31891
motor van, after an interruption of one year or longer, before the 31892
owner has obtained the person's complete driving record. 31893

(2) The owner of a school bus or motor van shall not permit a 31894
person to operate the school bus or motor van for ten years after 31895
the date on which the person pleads guilty to or is convicted of a 31896
violation of section 4511.19 of the Revised Code or a 31897
substantially equivalent municipal ordinance. 31898

(3) An owner of a school bus or motor van shall not permit 31899
any person to operate such a vehicle unless the person meets all 31900
other requirements contained in rules adopted by the state board 31901
of education prescribing qualifications of drivers of school buses 31902
and other student transportation. 31903

(G) No superintendent of a school district, educational 31904

service center, community school, or public or private employer 31905
shall permit the operation of a vehicle used for pupil 31906
transportation within this state by an individual unless both of 31907
the following apply: 31908

(1) Information pertaining to that driver has been submitted 31909
to the department of education, pursuant to procedures adopted by 31910
that department. Information to be reported shall include the name 31911
of the employer or school district, name of the driver, driver 31912
license number, date of birth, date of hire, status of physical 31913
evaluation, and status of training. 31914

(2) The most recent criminal records check required by 31915
division (J) of this section has been completed and received by 31916
the superintendent or public or private employer. 31917

(H) A person, school district, educational service center, 31918
community school, nonpublic school, or other public or nonpublic 31919
entity that owns a school bus or motor van, or that contracts with 31920
another entity to operate a school bus or motor van, may impose 31921
more stringent restrictions on drivers than those prescribed in 31922
this section, in any other section of the Revised Code, and in 31923
rules adopted by the state board. 31924

(I) For qualified drivers who, on July 1, 2007, are employed 31925
by the owner of a school bus or motor van to drive the school bus 31926
or motor van, any instance in which the driver was convicted of or 31927
pleaded guilty to a violation of section 4511.19 of the Revised 31928
Code or a substantially equivalent municipal ordinance prior to 31929
two years prior to July 1, 2007, shall not be considered a 31930
disqualifying event with respect to division (F) of this section. 31931

(J)(1) This division applies to persons hired by a school 31932
district, educational service center, community school, chartered 31933
nonpublic school, or science, technology, engineering, and 31934
mathematics school established under Chapter 3326. of the Revised 31935

Code to operate a vehicle used for pupil transportation. 31936

For each person to whom this division applies who is hired on 31937
or after November 14, 2007, the employer shall request a criminal 31938
records check in accordance with section 3319.39 of the Revised 31939
Code and every six years thereafter. For each person to whom this 31940
division applies who is hired prior to that date, the employer 31941
shall request a criminal records check by a date prescribed by the 31942
department of education and every six years thereafter. 31943

(2) This division applies to persons hired by a public or 31944
private employer not described in division (J)(1) of this section 31945
to operate a vehicle used for pupil transportation. 31946

For each person to whom this division applies who is hired on 31947
or after November 14, 2007, the employer shall request a criminal 31948
records check prior to the person's hiring and every six years 31949
thereafter. For each person to whom this division applies who is 31950
hired prior to that date, the employer shall request a criminal 31951
records check by a date prescribed by the department and every six 31952
years thereafter. 31953

(3) Each request for a criminal records check under division 31954
(J) of this section shall be made to the superintendent of the 31955
bureau of criminal identification and investigation in the manner 31956
prescribed in section 3319.39 of the Revised Code, except that if 31957
both of the following conditions apply to the person subject to 31958
the records check, the employer shall request the superintendent 31959
only to obtain any criminal records that the federal bureau of 31960
investigation has on the person: 31961

(a) The employer previously requested the superintendent to 31962
determine whether the bureau of criminal identification and 31963
investigation has any information, gathered pursuant to division 31964
(A) of section 109.57 of the Revised Code, on the person in 31965
conjunction with a criminal records check requested under section 31966

3319.39 of the Revised Code or under division (J) of this section. 31967

(b) The person presents proof that the person has been a 31968
resident of this state for the five-year period immediately prior 31969
to the date upon which the person becomes subject to a criminal 31970
records check under this section. 31971

Upon receipt of a request, the superintendent shall conduct 31972
the criminal records check in accordance with section 109.572 of 31973
the Revised Code as if the request had been made under section 31974
3319.39 of the Revised Code. However, as specified in division 31975
(B)(2) of section 109.572 of the Revised Code, if the employer 31976
requests the superintendent only to obtain any criminal records 31977
that the federal bureau of investigation has on the person for 31978
whom the request is made, the superintendent shall not conduct the 31979
review prescribed by division (B)(1) of that section. 31980

(K)(1) Until the effective date of the amendments to rule 31981
3301-83-23 of the Ohio Administrative Code required by the second 31982
paragraph of division (E) of section 3319.39 of the Revised Code, 31983
any person who is the subject of a criminal records check under 31984
division (J) of this section and has been convicted of or pleaded 31985
guilty to any offense described in division (B)(1) of section 31986
3319.39 of the Revised Code shall not be hired or shall be 31987
released from employment, as applicable, unless the person meets 31988
the rehabilitation standards prescribed for nonlicensed school 31989
personnel by rule 3301-20-03 of the Ohio Administrative Code. 31990

(2) Beginning on the effective date of the amendments to rule 31991
3301-83-23 of the Ohio Administrative Code required by the second 31992
paragraph of division (E) of section 3319.39 of the Revised Code, 31993
any person who is the subject of a criminal records check under 31994
division (J) of this section and has been convicted of or pleaded 31995
guilty to any offense that, under the rule, disqualifies a person 31996
for employment to operate a vehicle used for pupil transportation 31997
shall not be hired or shall be released from employment, as 31998

applicable, unless the person meets the rehabilitation standards 31999
prescribed by the rule. 32000

Sec. 3328.24. A college-preparatory boarding school 32001
established under this chapter and its board of trustees shall 32002
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 32003
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 32004
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 32005
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 32006
Code as if the school were a school district and the school's 32007
board of trustees were a district board of education. 32008

Sec. 3333.052. (A) The chancellor of higher education, with 32009
the assistance of the department of job and family services, shall 32010
establish the community college acceleration program to enhance 32011
financial, academic, and personal support services to students in 32012
need of support from local social service agencies. The program 32013
shall identify the services and resources available to assist 32014
eligible students enrolled in a community college established 32015
under Chapter 3354., a state community college established under 32016
Chapter 3358., a technical college established under Chapter 32017
3357., or a university branch campus established under Chapter 32018
3355. of the Revised Code. 32019

(B) The chancellor shall adopt rules to administer the 32020
program. The rules shall specify the types of services provided by 32021
the program, which may include any of the following: 32022

(1) Comprehensive and personalized advisement; 32023

(2) Career counseling; 32024

(3) Tutoring; 32025

(4) Tuition waivers; 32026

(5) Financial assistance to defray the costs of 32027

transportation and textbooks. 32028

Sec. 3333.26. (A) Any citizen of this state who has resided 32029
within the state for one year, who was in the active service of 32030
the United States as a soldier, sailor, nurse, or marine between 32031
April 6, 1917, and November 11, 1918, and who has been honorably 32032
discharged from that service, shall be admitted to any school, 32033
college, or university that receives state funds in support 32034
thereof, without being required to pay any tuition or 32035
matriculation fee, but is not relieved from the payment of 32036
laboratory or similar fees. 32037

(B)(1) As used in this division: 32038

(a) "Volunteer firefighter" has the meaning as in division 32039
(B)(1) of section 146.01 of the Revised Code. 32040

(b) "Public service officer" means an Ohio firefighter, 32041
volunteer firefighter, police officer, member of the state highway 32042
patrol, employee designated to exercise the powers of police 32043
officers pursuant to section 1545.13 of the Revised Code, or other 32044
peace officer as defined by division (B) of section 2935.01 of the 32045
Revised Code, or a person holding any equivalent position in 32046
another state. 32047

(c) "Qualified former spouse" means the former spouse of a 32048
public service officer, or of a member of the armed services of 32049
the United States, who is the custodial parent of a minor child of 32050
that marriage pursuant to an order allocating the parental rights 32051
and responsibilities for care of the child issued pursuant to 32052
section 3109.04 of the Revised Code. 32053

(d) "Operation enduring freedom" means that period of 32054
conflict which began October 7, 2001, and ends on a date declared 32055
by the president of the United States or the congress. 32056

(e) "Operation Iraqi freedom" means that period of conflict 32057

which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the

line of duty during operation enduring freedom or operation Iraqi 32090
freedom shall be reduced by the same percentage. 32091

(3) Any resident of this state who is the spouse or qualified 32092
former spouse of a public service officer killed in the line of 32093
duty, and who is admitted to any state university or college as 32094
defined in division (A)(1) of section 3345.12 of the Revised Code, 32095
community college, state community college, university branch, or 32096
technical college, shall not be required to pay any tuition or any 32097
student fee for up to four academic years of education, which 32098
shall be at the undergraduate level. 32099

(4) Any resident of this state who is the spouse or qualified 32100
former spouse of a member of the armed services of the United 32101
States killed in the line of duty while serving in a combat zone 32102
after May 7, 1975, and who is admitted to any state university or 32103
college as defined in division (A)(1) of section 3345.12 of the 32104
Revised Code, community college, state community college, 32105
university branch, or technical college, shall not be required to 32106
pay any tuition or any student fee for up to four years of 32107
academic education, which shall be at the undergraduate level. In 32108
order to qualify under division (B)(4) of this section, the spouse 32109
or qualified former spouse shall have been a resident of this 32110
state at the time the member was killed in the line of duty. 32111

(C) Any institution that is not subject to division (B) of 32112
this section and that holds a valid certificate of registration 32113
issued under Chapter 3332. of the Revised Code, a valid 32114
certificate issued under Chapter 4709. of the Revised Code, or a 32115
valid license issued under Chapter 4713. of the Revised Code, or 32116
that is nonprofit and has a certificate of authorization issued 32117
under section 1713.02 of the Revised Code, or that is a private 32118
institution exempt from regulation under Chapter 3332. of the 32119
Revised Code as prescribed in section 3333.046 of the Revised 32120
Code, which reduces tuition and student fees of a student who is 32121

eligible to attend an institution of higher education under the 32122
provisions of division (B) of this section by an amount indicated 32123
by the chancellor of higher education shall be eligible to receive 32124
a grant in that amount from the chancellor. 32125

Each institution that enrolls students under division (B) of 32126
this section shall report to the chancellor, by the first day of 32127
July of each year, the number of students who were so enrolled and 32128
the average amount of all such tuition and student fees waived 32129
during the preceding year. The chancellor shall determine the 32130
average amount of all such tuition and student fees waived during 32131
the preceding year. The average amount of the tuition and student 32132
fees waived under division (B) of this section during the 32133
preceding year shall be the amount of grants that participating 32134
institutions shall receive under this division during the current 32135
year, but no grant under this division shall exceed the tuition 32136
and student fees due and payable by the student prior to the 32137
reduction referred to in this division. The grants shall be made 32138
for four years of undergraduate education of an eligible student. 32139

Sec. 3333.59. (A) As used in this section: 32140

(1) "Allocated state share of instruction" means, for any 32141
fiscal year, the amount of the state share of instruction 32142
appropriated to the department of higher education by the general 32143
assembly that is allocated to a community or technical college or 32144
community or technical college district for such fiscal year. 32145

(2) "Issuing authority" has the same meaning as in section 32146
154.01 of the Revised Code. 32147

(3) "Bond service charges" has the same meaning as in section 32148
154.01 of the Revised Code. 32149

(4) "Chancellor" means the chancellor of higher education. 32150

(5) "Community or technical college" or "college" means any 32151

of the following state-supported or state-assisted institutions of higher education:	32152 32153
(a) A community college as defined in section 3354.01 of the Revised Code;	32154 32155
(b) A technical college as defined in section 3357.01 of the Revised Code;	32156 32157
(c) A state community college as defined in section 3358.01 of the Revised Code.	32158 32159
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	32160 32161 32162
(a) A community college district as defined in section 3354.01 of the Revised Code;	32163 32164
(b) A technical college district as defined in section 3357.01 of the Revised Code;	32165 32166
(c) A state community college district as defined in section 3358.01 of the Revised Code.	32167 32168
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	32169 32170
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	32171 32172
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or <u>3358.10, or 3358.11</u> of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the	32173 32174 32175 32176 32177 32178 32179 32180 32181

withholding and deposit of funds otherwise due the district or the 32182
community or technical college it operates in respect of its 32183
allocated state share of instruction, for the payment of bond 32184
service charges on such obligations. 32185

The board of trustees shall deliver to the chancellor a copy 32186
of the resolution and any additional pertinent information the 32187
chancellor may require. 32188

The chancellor and the office of budget and management, and 32189
the issuing authority in the case of obligations to be issued by 32190
the issuing authority, shall evaluate each request received from a 32191
community or technical college district under this section. The 32192
chancellor, with the advice and consent of the director of budget 32193
and management and the issuing authority in the case of 32194
obligations to be issued by the issuing authority, shall approve 32195
each request if all of the following conditions are met: 32196

(1) Approval of the request will enhance the marketability of 32197
the obligations for which the request is made; 32198

(2) The chancellor and the office of budget and management, 32199
and the issuing authority in the case of obligations to be issued 32200
by the issuing authority, have no reason to believe the requesting 32201
community or technical college district or the community or 32202
technical college it operates will be unable to pay when due the 32203
bond service charges on the obligations for which the request is 32204
made, and bond service charges on those obligations are therefore 32205
not anticipated to be paid pursuant to this section from the 32206
allocated state share of instruction for purposes of Section 17 of 32207
Article VIII, Ohio Constitution. 32208

(3) Any other pertinent conditions established in rules 32209
adopted under division (H) of this section. 32210

(C) If the chancellor approves the request of a community or 32211
technical college district to withhold and deposit funds pursuant 32212

to this section, the chancellor shall enter into a written 32213
agreement with the district and the primary paying agent or fiscal 32214
agent for the obligations, which agreement shall provide for the 32215
withholding of funds pursuant to this section for the payment of 32216
bond service charges on those obligations. The agreement may also 32217
include both of the following: 32218

(1) Provisions for certification by the district to the 32219
chancellor, prior to the deadline for payment of the applicable 32220
bond service charges, whether the district and the community or 32221
technical college it operates are able to pay those bond service 32222
charges when due; 32223

(2) Requirements that the district or the community or 32224
technical college it operates deposits amounts for the payment of 32225
those bond service charges with the primary paying agent or fiscal 32226
agent for the obligations prior to the date on which the bond 32227
service charges are due to the owners or holders of the 32228
obligations. 32229

(D) Whenever a district or the community or technical college 32230
it operates notifies the chancellor that it will not be able to 32231
pay the bond service charges when they are due, subject to the 32232
withholding provisions of this section, or whenever the applicable 32233
paying agent or fiscal agent notifies the chancellor that it has 32234
not timely received from a district or from the college it 32235
operates the full amount needed for payment of the bond service 32236
charges when due to the holders or owners of such obligations, the 32237
chancellor shall immediately contact the district or college and 32238
the paying agent or fiscal agent to confirm that the district and 32239
the college are not able to make the required payment by the date 32240
on which it is due. 32241

If the chancellor confirms that the district and the college 32242
are not able to make the payment and the payment will not be made 32243
pursuant to a credit enhancement facility, the chancellor shall 32244

promptly pay to the applicable primary paying agent or fiscal 32245
agent the lesser of the amount due for bond service charges or the 32246
amount of the next periodic distribution scheduled to be made to 32247
the district or to the college in respect of its allocated state 32248
share of instruction. If this amount is insufficient to pay the 32249
total amount then due the agent for the payment of bond service 32250
charges, the chancellor shall continue to pay to the agent from 32251
each periodic distribution thereafter, and until the full amount 32252
due the agent for unpaid bond service charges is paid in full, the 32253
lesser of the remaining amount due the agent for bond service 32254
charges or the amount of the next periodic distribution scheduled 32255
to be made to the district or college in respect of its allocated 32256
state share of instruction. 32257

(E) The chancellor may make any payments under this section 32258
by direct deposit of funds by electronic transfer. 32259

Any amount received by a paying agent or fiscal agent under 32260
this section shall be applied only to the payment of bond service 32261
charges on the obligations of the community or technical college 32262
district or community or technical college subject to this section 32263
or to the reimbursement of the provider of a credit enhancement 32264
facility that has paid the bond service charges. 32265

(F) The chancellor may make payments under this section to 32266
paying agents or fiscal agents during any fiscal biennium of the 32267
state only from and to the extent that money is appropriated to 32268
the department by the general assembly for distribution during 32269
such biennium for the state share of instruction and only to the 32270
extent that a portion of the state share of instruction has been 32271
allocated to the community or technical college district or 32272
community or technical college. Obligations of the issuing 32273
authority or of a community or technical college district to which 32274
this section is made applicable do not constitute an obligation or 32275
a debt or a pledge of the faith, credit, or taxing power of the 32276

state, and the holders or owners of those obligations have no 32277
right to have excises or taxes levied or appropriations made by 32278
the general assembly for the payment of bond service charges on 32279
the obligations, and the obligations shall contain a statement to 32280
that effect. The agreement for or the actual withholding and 32281
payment of money under this section does not constitute the 32282
assumption by the state of any debt of a community or technical 32283
college district or a community or technical college, and bond 32284
service charges on the related obligations are not anticipated to 32285
be paid from the state general revenue fund for purposes of 32286
Section 17 of Article VIII, Ohio Constitution. 32287

(G) In the case of obligations subject to the withholding 32288
provisions of this section, the issuing community or technical 32289
college district, or the issuing authority in the case of 32290
obligations issued by the issuing authority, shall appoint a 32291
paying agent or fiscal agent who is not an officer or employee of 32292
the district or college. 32293

(H) The chancellor, with the advice and consent of the office 32294
of budget and management, may adopt reasonable rules not 32295
inconsistent with this section for the implementation of this 32296
section to secure payment of bond service charges on obligations 32297
issued by a community or technical college district or by the 32298
issuing authority for the benefit of a community or technical 32299
college district or the community or technical college it 32300
operates. Those rules shall include criteria for the evaluation 32301
and approval or denial of community or technical college district 32302
requests for withholding under this section. 32303

(I) The authority granted by this section is in addition to 32304
and not a limitation on any other authorizations granted by or 32305
pursuant to law for the same or similar purposes. 32306

Sec. 3345.48. (A) As used in this section: 32307

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of a each state university ~~may~~ shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

~~If the board of trustees chooses to establish such a program,~~
The board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for

the first cohort enrolled under the tuition guarantee program. If 32338
the board of trustees determines that economic conditions or other 32339
circumstances require an increase for the first cohort of above 32340
six per cent, the board shall submit a request to increase the 32341
amount by a specified percentage to the chancellor. The 32342
chancellor, based on information the chancellor requires from the 32343
board of trustees, shall approve or disapprove such a request. 32344
Thereafter, the board of trustees may increase the guaranteed 32345
amount by up to the sum of the following above what has been 32346
charged in the previous academic year one time per subsequent 32347
cohort: 32348

(a) The average rate of inflation, as measured by the 32349
consumer price index prepared by the bureau of labor statistics of 32350
the United States department of labor (all urban consumers, all 32351
items), for the previous ~~sixty-month~~ thirty-six-month period; and 32352

(b) The percentage amount the general assembly restrains 32353
increases on in-state undergraduate instructional and general fees 32354
for the applicable fiscal year. If the general assembly does not 32355
enact a limit on the increase of in-state undergraduate 32356
instructional and general fees, then no limit shall apply under 32357
this division for the cohort that first enrolls in any academic 32358
year for which the general assembly does not prescribe a limit. 32359

If, beginning with the academic year that starts four years 32360
after September 29, 2013, the board of trustees determines that 32361
the general and instructional fees charged under the tuition 32362
guarantee have fallen significantly lower than those of other 32363
state universities, the board of trustees may submit a request to 32364
increase the amount charged to a cohort by a specified percentage 32365
to the chancellor, who shall approve or disapprove such a request. 32366

(3) A benchmark by which the board sets annual increases in 32367
general and instructional fees. This benchmark and any subsequent 32368
change to the benchmark shall be subject to approval of the 32369

chancellor.	32370
(4) Eligibility requirements for students to participate in the program;	32371 32372
(5) Student rights and privileges under the program;	32373
(6) Consequences to the university for students unable to complete a degree program within four years, as follows:	32374 32375
(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.	32376 32377 32378 32379 32380
(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.	32381 32382 32383 32384 32385
(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.	32386 32387 32388 32389 32390 32391
(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;	32392 32393 32394
(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.	32395 32396 32397
(C) If a board of trustees implements a program under this section, the <u>The</u> board shall submit the rules adopted under	32398 32399

division (B) of this section to the chancellor for approval before 32400
beginning implementation of the program. 32401

The chancellor shall not unreasonably withhold approval of a 32402
program if the program conforms in principle with the parameters 32403
and guidelines of this section. 32404

(D) A board of trustees of a state university may establish 32405
an undergraduate tuition guarantee program for nonresident 32406
students. 32407

~~(E) Within five years after September 29, 2013, the 32408
chancellor shall publish on the chancellor's web site a report 32409
that includes all of the following: 32410~~

~~(1) The state universities that have adopted an undergraduate 32411
tuition guarantee program under this section; 32412~~

~~(2) The details of each undergraduate tuition guarantee 32413
program established under this section; 32414~~

~~(3) Comparative data, including general and instructional 32415
fees, room and board, graduation rates, and retention rates, from 32416
all state universities. 32417~~

~~(F) Except as provided in this section, no other limitation 32418
on the increase of in-state undergraduate instructional and 32419
general fees shall apply to a state university that has 32420
established an undergraduate tuition guarantee program under this 32421
section. 32422~~

Sec. 3345.55. (A) For purposes of this section, "university" 32423
includes a state institution of higher education as defined in 32424
section 3345.011 of the Revised Code and a university housing 32425
commission created under section 3347.01 of the Revised Code. 32426

(B) Each university may enter into a lease agreement with a 32427
nonpublic vendor to provide housing services in campus housing 32428
facilities to students of the university. The lease agreement may 32429

require the vendor to construct new campus housing facilities or 32430
improve existing campus housing facilities to serve students. The 32431
vendor with whom the university enters into an agreement shall be 32432
responsible for the operation and maintenance of the housing 32433
facilities. The lease shall be for a term of at least twenty years 32434
but shall not exceed ~~thirty~~ seventy-five years. The lease 32435
agreement shall specify that the vendor is required to lease 32436
housing units to students of the university. Any university 32437
housing policies shall extend to and be enforced by the vendors 32438
with whom the university contracts. 32439

(C) If the vendors with whom the university has entered into 32440
a lease agreement violate the terms of the lease, the university 32441
may revoke the lease and regain operational control over the 32442
dormitory. 32443

(D) Any campus housing facilities included in a lease 32444
agreement entered into under this section, including campus 32445
housing facilities constructed by a nonpublic vendor under a lease 32446
agreement, shall retain an exemption from property taxes and 32447
assessments in accordance with division (M) of section 3345.12 of 32448
the Revised Code. 32449

Sec. 3345.57. (A) As used in this section, "state institution 32450
of higher education" has the same meaning as in section 3345.011 32451
of the Revised Code. 32452

(B) A state institution of higher education may establish a 32453
program under which an employee of the institution may donate that 32454
employee's accrued but unused paid leave to another employee of 32455
the institution who has no accrued but unused paid leave and who 32456
has a critical need for it because of circumstances such as a 32457
serious illness or the serious illness of a member of the 32458
employee's immediate family. If a state institution of higher 32459
education establishes a leave donation program under this section, 32460

the institution shall adopt rules in accordance with ~~Chapter 119-~~ 32461
section 111.15 of the Revised Code to provide for the 32462
administration of the program. These rules shall include, but not 32463
be limited to, provisions that identify the circumstances under 32464
which leave may be donated and that specify the amount, types, and 32465
value of leave that may be donated. 32466

Sec. 3353.07. (A) There is hereby created the Ohio government 32467
telecommunications service. The Ohio government telecommunications 32468
service shall provide the state government and affiliated 32469
organizations with multimedia support including audio, visual, and 32470
internet services, multimedia streaming, and hosting multimedia 32471
programs. 32472

Services relating to the official activities of the general 32473
assembly and the executive offices provided by the Ohio government 32474
telecommunications service shall be funded through grants to an 32475
educational television broadcasting station that will manage the 32476
staff and provide the services of the Ohio government 32477
telecommunications service. The Ohio educational television 32478
stations shall select a member station to manage the Ohio 32479
government telecommunications service. The Ohio government 32480
telecommunications service shall receive grants from, or contract 32481
with, any of the three branches of Ohio government, and their 32482
affiliates, to provide additional services. Services provided by 32483
the Ohio government telecommunications service shall not be used 32484
for political purposes included in campaign materials, or 32485
otherwise used to influence an election, legislation, issue, 32486
judicial decision, or other policy of state government. 32487

(B)(1) There is hereby created the legislative programming 32488
committee of the Ohio government telecommunications service that 32489
shall consist of the president of the senate, speaker of the house 32490
of representatives, minority leader of the senate, and minority 32491

leader of the house of representatives, or their designees, and 32492
the clerks of the senate and house of representatives as 32493
nonvoting, ex officio members. By a vote of a majority of its 32494
members, the program committee may add additional members to the 32495
committee. 32496

(2) The legislative programming committee shall adopt rules 32497
that govern the operation of the Ohio government 32498
telecommunications service relating to the general assembly and 32499
any affiliated organizations. 32500

(C) The Ohio government telecommunications service is 32501
authorized to broadcast and record any committee meeting of the 32502
senate or house of representatives as directed by the presiding 32503
officer of the senate or house of representatives. 32504

As used in this division, "committee" and "meeting" have the 32505
same meanings as in section 101.15 of the Revised Code. 32506

Sec. 3358.02. (A) A state community college district may be 32507
created to take the place of a technical college or a university 32508
branch with the approval of the ~~Ohio board of regents~~ chancellor 32509
of higher education upon the proposal of the board of trustees of 32510
a technical college district, or upon the proposal of the board of 32511
trustees of a state university, or upon the joint proposal of both 32512
such boards, and pursuant to an agreement entered into under 32513
section 3358.05 of the Revised Code. A state community college 32514
district may not be created to take the place of both a technical 32515
college district and a university branch without the consent of 32516
both boards of trustees. 32517

The attorney general shall be the attorney for each state 32518
community college district and shall provide legal advice in all 32519
matters relating to its powers and duties. 32520

(B)(1) Qualified electors residing in a county, or in two or 32521

more contiguous counties, with a total population of at least one hundred fifty thousand may, in the manner prescribed in division (C) of section 3354.02 of the Revised Code, execute a petition proposing the creation of a state community college district within the territory of the county or counties. Upon the certification to the ~~board of regents~~ chancellor that a majority of the electors voting on the proposition in the territory in which the proposed college is to be located voted in favor thereof, the ~~board~~ chancellor may create a state community college district comprising the territory included in the petition.

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(2) The board of county commissioners of a county in which there is no university branch or technical college and which has a population of not less than one hundred fifty thousand may, by resolution approved by two-thirds of its members, propose the creation of a state community college district within the county. Upon certification to the ~~board of regents~~ chancellor of a copy of such resolution, the ~~board~~ chancellor may create a state community college district comprising a county.

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(3) The boards of county commissioners of any two or more contiguous counties in which there is no university branch or technical college and which have a combined population of not less than one hundred fifty thousand may, by a resolution approved by two-thirds of the members of each such board, jointly propose the creation of a state community college district within the territory of the counties. Upon certification to the ~~board of regents~~ chancellor of a copy of the resolution, the ~~board~~ chancellor may create a state community college district comprising the counties.

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(C) A state community college district may be expanded to include one or more counties, by a majority vote of the board of trustees and upon approval by the ~~board of regents~~ chancellor.

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(D) Upon a proposal of the board of trustees of a state community college district, the ~~board of regents~~ chancellor may amend the charter of a state community college to change it into a community college as defined in section 3354.01 of the Revised Code, in order to permit the college to seek a local levy. Such amendment of the charter is effective immediately upon its acceptance by the ~~board of regents~~ chancellor, and the state community college district shall thereupon become a community college district. If a levy is defeated by the voters or if no levy is approved by the electors within one year after the date the amendment takes effect, such amendment becomes void, and the college shall thereupon become a ~~a~~ state community college, and the district operating such college shall become a state community college district. On the effective date of a charter amendment the board of trustees of the state community college district shall become the initial board of trustees for the community college district to serve for the balance of their existing terms, and the board or boards of county commissioners from the counties involved shall fill the first six vacancies occurring on the community college board, and thereafter board members shall be appointed under section 3354.05 of the Revised Code. If such an amendment takes effect and is subsequently voided under this section, any persons appointed to the board during the period the amendment was in effect shall be considered members of the state community college district board, and thereafter trustees shall be appointed in accordance with section 3358.03 of the Revised Code.

Within thirty days after approval by the ~~board of regents~~ chancellor of a state community college district proposed under this section, the ~~board of regents~~ chancellor shall file with the secretary of state a copy of ~~its~~ the chancellor's certification ~~or resolution~~ creating the district. This copy shall be recorded in the office of the secretary of state, who shall then declare the district to be established.

In addition to the process described in this division, a 32587
state community college may seek a local levy in accordance with 32588
section 3358.11 of the Revised Code for the purposes prescribed in 32589
that section. 32590

Sec. 3358.06. (A)(1) The treasurer of each state community 32591
college district shall be its fiscal officer, and the treasurer 32592
shall receive and disburse all funds under the direction of the 32593
college president. No contract of the college's board of trustees 32594
involving the expenditure of money shall become effective until 32595
the treasurer certifies that there are funds of the board 32596
otherwise uncommitted and sufficient to provide therefor, subject 32597
to division (A)(2) of this section. 32598

When the treasurer ceases to hold the office, the treasurer 32599
or the treasurer's legal representative shall deliver to the 32600
treasurer's successor or the president all moneys, books, papers, 32601
and other property of the college. 32602

Before entering upon the discharge of official duties, the 32603
treasurer shall give bond to the state or be insured for the 32604
faithful performance of official duties and the proper accounting 32605
for all moneys coming into the treasurer's care. The amount of the 32606
bond or insurance shall be determined by the board but shall not 32607
be for a sum less than the estimated amount that may come into the 32608
treasurer's control at any time, less any reasonable deductible. 32609

(2) If the board of trustees levies a tax under section 32610
3358.11 of the Revised Code, the board and the treasurer are 32611
subject to and shall comply with division (D) of section 5705.41 32612
of the Revised Code. 32613

(B) The board of trustees may provide for the investment of 32614
district funds. Investments may be made in securities of the 32615
United States government or of its agencies or instrumentalities, 32616
the treasurer of state's pooled investment program, obligations of 32617

this state or any political subdivision of this state, 32618
certificates of deposit of any national bank located in this 32619
state, written repurchase agreements with any eligible Ohio 32620
financial institution that is a member of the federal reserve 32621
system or federal home loan bank, money market funds, or bankers 32622
acceptances maturing in two hundred seventy days or less which are 32623
eligible for purchase by the federal reserve system, as a reserve. 32624
Notwithstanding the foregoing or any provision of the Revised Code 32625
to the contrary, the board of trustees of a state community 32626
college district may provide for the investment of district funds 32627
in any manner authorized under section 3345.05 of the Revised 32628
Code. 32629

Sec. 3358.11. (A) In the same manner as a tax may be proposed 32630
by a board of trustees of a community college district under 32631
section 3354.12 of the Revised Code, the board of trustees of a 32632
state community college district may adopt and certify a 32633
resolution to the board of elections of one or more of the 32634
counties comprising the state community college district directing 32635
the board of elections to place on the ballot at any general or 32636
special election the question of levying a tax in excess of the 32637
ten-mill limitation on all the taxable property in that county or 32638
those counties. The tax may be for any of the following purposes, 32639
as stated in the resolution: 32640

(1) The acquisition of sites in that county or those 32641
counties; 32642

(2) The erection, furnishing, and equipment of buildings in 32643
that county or those counties; 32644

(3) The acquisition, construction, or improvement of any 32645
property in that county or those counties which the board of 32646
trustees of a state community college is authorized to acquire, 32647
construct, or improve and which has an estimated life or 32648

usefulness of five years or more as certified by the treasurer of 32649
the board of trustees. 32650

The resolution shall declare that the proceeds of the levy or 32651
issue may be used solely within the county or counties in which 32652
the tax is levied and state the term of the tax, which may be for 32653
any term authorized for a tax levied under section 3354.12 of the 32654
Revised Code. The question of such a tax may not be submitted at 32655
more than two special elections held in any one calendar year. 32656
Levies for a continuing period of time adopted under this section 32657
may be reduced in accordance with section 5705.261 of the Revised 32658
Code. 32659

The election shall be held, canvassed, and certified in the 32660
manner provided for the submission of a tax levy under section 32661
3354.12 of the Revised Code. A tax levied under this section may 32662
be renewed in the same manner as a tax levied under section 32663
3354.12 of the Revised Code or replaced in accordance with section 32664
5705.192 of the Revised Code. 32665

If electors approve the levy, the board of trustees may 32666
anticipate a fraction of the proceeds of the levy and may, from 32667
time to time, issue anticipation notes in the same manner and 32668
subject to the same limitations provided under section 3354.12 of 32669
the Revised Code. 32670

(B) In accordance with Chapter 133. of the Revised Code, the 32671
board of trustees of a state community college district may adopt 32672
and certify a resolution to the board of elections of one or more 32673
of the counties comprising the district directing the board of 32674
elections to place on the ballot at any election authorized under 32675
section 133.18 of the Revised Code both of the following 32676
questions: 32677

(1) The question of issuing bonds for paying all or part of 32678
the cost of the following: 32679

<u>(a) The purchase of sites in that county or those counties;</u>	32680
<u>(b) The erection, furnishings, and equipment of buildings in that county or those counties;</u>	32681
<u>(c) The acquisition or construction of any property in that county or those counties which the board of trustees is authorized to acquire or construct and which has an estimated life or usefulness of five years or more as certified by the treasurer of the board of trustees.</u>	32682
<u>(2) The question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties to pay the interest on and retire any bonds approved by the electors under division (B)(1) of this section.</u>	32683
<u>The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B)(1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code.</u>	32684
<u>Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B)(1) of this section in the manner provided under section 133.22 of the Revised Code.</u>	32685
<u>For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing authority.</u>	32686
<u>(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under</u>	32687
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division (A) or (B) of this section shall be considered to be a 32711
taxing authority, the county or counties in which the tax is 32712
levied shall be considered to be a subdivision, and the treasurer 32713
of the board of trustees shall be considered to be a fiscal 32714
officer for the purposes of Chapter 5705. of the Revised Code, 32715
except for section 5705.19 of the Revised Code. 32716

Sec. 3501.05. The secretary of state shall do all of the 32717
following: 32718

(A) Appoint all members of boards of elections; 32719

(B) Issue instructions by directives and advisories in 32720
accordance with section 3501.053 of the Revised Code to members of 32721
the boards as to the proper methods of conducting elections. 32722

(C) Prepare rules and instructions for the conduct of 32723
elections; 32724

(D) Publish and furnish to the boards from time to time a 32725
sufficient number of indexed copies of all election laws then in 32726
force; 32727

(E) Edit and issue all pamphlets concerning proposed laws or 32728
amendments required by law to be submitted to the voters; 32729

(F) Prescribe the form of registration cards, blanks, and 32730
records; 32731

(G) Determine and prescribe the forms of ballots and the 32732
forms of all blanks, cards of instructions, pollbooks, tally 32733
sheets, certificates of election, and forms and blanks required by 32734
law for use by candidates, committees, and boards; 32735

(H) Prepare the ballot title or statement to be placed on the 32736
ballot for any proposed law or amendment to the constitution to be 32737
submitted to the voters of the state; 32738

(I) Except as otherwise provided in section 3519.08 of the 32739

Revised Code, certify to the several boards the forms of ballots 32740
and names of candidates for state offices, and the form and 32741
wording of state referendum questions and issues, as they shall 32742
appear on the ballot; 32743

(J) Except as otherwise provided in division (I)(2)(b) of 32744
section 3501.38 of the Revised Code, give final approval to ballot 32745
language for any local question or issue approved and transmitted 32746
by boards of elections under section 3501.11 of the Revised Code; 32747

(K) Receive all initiative and referendum petitions on state 32748
questions and issues and determine and certify to the sufficiency 32749
of those petitions; 32750

(L) Require such reports from the several boards as are 32751
provided by law, or as the secretary of state considers necessary; 32752

(M) Compel the observance by election officers in the several 32753
counties of the requirements of the election laws; 32754

(N)(1) Except as otherwise provided in division (N)(2) of 32755
this section, investigate the administration of election laws, 32756
frauds, and irregularities in elections in any county, and report 32757
violations of election laws to the attorney general or prosecuting 32758
attorney, or both, for prosecution; 32759

(2) On and after August 24, 1995, report a failure to comply 32760
with or a violation of a provision in sections 3517.08 to 3517.13, 32761
~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, or 3599.031 of the 32762
Revised Code, whenever the secretary of state has or should have 32763
knowledge of a failure to comply with or a violation of a 32764
provision in one of those sections, by filing a complaint with the 32765
Ohio elections commission under section 3517.153 of the Revised 32766
Code. 32767

(O) Make an annual report to the governor containing the 32768
results of elections, the cost of elections in the various 32769
counties, a tabulation of the votes in the several political 32770

subdivisions, and other information and recommendations relative 32771
to elections the secretary of state considers desirable; 32772

(P) Prescribe and distribute to boards of elections a list of 32773
instructions indicating all legal steps necessary to petition 32774
successfully for local option elections under sections 4301.32 to 32775
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 32776

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 32777
for the removal by boards of elections of ineligible voters from 32778
the statewide voter registration database and, if applicable, from 32779
the poll list or signature pollbook used in each precinct, which 32780
rules shall provide for all of the following: 32781

(1) A process for the removal of voters who have changed 32782
residence, which shall be uniform, nondiscriminatory, and in 32783
compliance with the Voting Rights Act of 1965 and the National 32784
Voter Registration Act of 1993, including a program that uses the 32785
national change of address service provided by the United States 32786
postal system through its licensees; 32787

(2) A process for the removal of ineligible voters under 32788
section 3503.21 of the Revised Code; 32789

(3) A uniform system for marking or removing the name of a 32790
voter who is ineligible to vote from the statewide voter 32791
registration database and, if applicable, from the poll list or 32792
signature pollbook used in each precinct and noting the reason for 32793
that mark or removal. 32794

(R) Prescribe a general program for registering voters or 32795
updating voter registration information, such as name and 32796
residence changes, by boards of elections, designated agencies, 32797
offices of deputy registrars of motor vehicles, public high 32798
schools and vocational schools, public libraries, and offices of 32799
county treasurers consistent with the requirements of section 32800
3503.09 of the Revised Code; 32801

(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;

(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;

(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:

(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;

(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;

(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.

(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;

(X) Ensure that all directives, advisories, other 32832
instructions, or decisions issued or made during or as a result of 32833
any conference or teleconference call with a board of elections to 32834
discuss the proper methods and procedures for conducting 32835
elections, to answer questions regarding elections, or to discuss 32836
the interpretation of directives, advisories, or other 32837
instructions issued by the secretary of state are posted on a web 32838
site of the office of the secretary of state as soon as is 32839
practicable after the completion of the conference or 32840
teleconference call, but not later than the close of business on 32841
the same day as the conference or teleconference call takes place. 32842

(Y) Publish a report on a web site of the office of the 32843
secretary of state not later than one month after the completion 32844
of the canvass of the election returns for each primary and 32845
general election, identifying, by county, the number of absent 32846
voter's ballots cast and the number of those ballots that were 32847
counted, and the number of provisional ballots cast and the number 32848
of those ballots that were counted, for that election. The 32849
secretary of state shall maintain the information on the web site 32850
in an archive format for each subsequent election. 32851

(Z) Conduct voter education outlining voter identification, 32852
absent voters ballot, provisional ballot, and other voting 32853
requirements; 32854

(AA) Establish a procedure by which a registered elector may 32855
make available to a board of elections a more recent signature to 32856
be used in the poll list or signature pollbook produced by the 32857
board of elections of the county in which the elector resides; 32858

(BB) Disseminate information, which may include all or part 32859
of the official explanations and arguments, by means of direct 32860
mail or other written publication, broadcast, or other means or 32861
combination of means, as directed by the Ohio ballot board under 32862
division (F) of section 3505.062 of the Revised Code, in order to 32863

inform the voters as fully as possible concerning each proposed 32864
constitutional amendment, proposed law, or referendum; 32865

(CC) Be the single state office responsible for the 32866
implementation of the "Uniformed and Overseas Citizens Absentee 32867
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 32868
et seq., as amended, in this state. The secretary of state may 32869
delegate to the boards of elections responsibilities for the 32870
implementation of that act, including responsibilities arising 32871
from amendments to that act made by the "Military and Overseas 32872
Voter Empowerment Act," Subtitle H of the "National Defense 32873
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 32874
Stat. 3190. 32875

(DD) Adopt rules, under Chapter 119. of the Revised Code, to 32876
establish procedures and standards for determining when a board of 32877
elections shall be placed under the official oversight of the 32878
secretary of state, placing a board of elections under the 32879
official oversight of the secretary of state, a board that is 32880
under official oversight to transition out of official oversight, 32881
and the secretary of state to supervise a board of elections that 32882
is under official oversight of the secretary of state. 32883

(EE) Perform other duties required by law. 32884

Whenever a primary election is held under section 3513.32 of 32885
the Revised Code or a special election is held under section 32886
3521.03 of the Revised Code to fill a vacancy in the office of 32887
representative to congress, the secretary of state shall establish 32888
a deadline, notwithstanding any other deadline required under the 32889
Revised Code, by which any or all of the following shall occur: 32890
the filing of a declaration of candidacy and petitions or a 32891
statement of candidacy and nominating petition together with the 32892
applicable filing fee; the filing of protests against the 32893
candidacy of any person filing a declaration of candidacy or 32894
nominating petition; the filing of a declaration of intent to be a 32895

write-in candidate; the filing of campaign finance reports; the 32896
preparation of, and the making of corrections or challenges to, 32897
precinct voter registration lists; the receipt of applications for 32898
absent voter's ballots or uniformed services or overseas absent 32899
voter's ballots; the supplying of election materials to precincts 32900
by boards of elections; the holding of hearings by boards of 32901
elections to consider challenges to the right of a person to 32902
appear on a voter registration list; and the scheduling of 32903
programs to instruct or reinstruct election officers. 32904

In the performance of the secretary of state's duties as the 32905
chief election officer, the secretary of state may administer 32906
oaths, issue subpoenas, summon witnesses, compel the production of 32907
books, papers, records, and other evidence, and fix the time and 32908
place for hearing any matters relating to the administration and 32909
enforcement of the election laws. 32910

In any controversy involving or arising out of the adoption 32911
of registration or the appropriation of funds for registration, 32912
the secretary of state may, through the attorney general, bring an 32913
action in the name of the state in the court of common pleas of 32914
the county where the cause of action arose or in an adjoining 32915
county, to adjudicate the question. 32916

In any action involving the laws in Title XXXV of the Revised 32917
Code wherein the interpretation of those laws is in issue in such 32918
a manner that the result of the action will affect the lawful 32919
duties of the secretary of state or of any board of elections, the 32920
secretary of state may, on the secretary of state's motion, be 32921
made a party. 32922

The secretary of state may apply to any court that is hearing 32923
a case in which the secretary of state is a party, for a change of 32924
venue as a substantive right, and the change of venue shall be 32925
allowed, and the case removed to the court of common pleas of an 32926
adjoining county named in the application or, if there are cases 32927

pending in more than one jurisdiction that involve the same or 32928
similar issues, the court of common pleas of Franklin county. 32929

Public high schools and vocational schools, public libraries, 32930
and the office of a county treasurer shall implement voter 32931
registration programs as directed by the secretary of state 32932
pursuant to this section. 32933

The secretary of state may mail unsolicited applications for 32934
absent voter's ballots to individuals only for a general election 32935
and only if the general assembly has made an appropriation for 32936
that particular mailing. Under no other circumstance shall a 32937
public office, or a public official or employee who is acting in 32938
an official capacity, mail unsolicited applications for absent 32939
voter's ballots to any individuals. 32940

Sec. 3505.21. (A) As used in this section: 32941

(1) "during During the casting of the ballots" includes any 32942
of the following: 32943

~~(1)~~(a) Any time during which a board of elections permits an 32944
elector to vote an absent voter's ballot in person at the office 32945
of the board; 32946

~~(2)~~(b) Any time ballots may be cast in a precinct polling 32947
place on the day of an election; 32948

~~(3)~~(c) Any time during which a board of elections processes 32949
absent voter's ballots before the time for counting those ballots. 32950

(2) "During the counting of the ballots" includes any time 32951
during which the election officials count and tally ballots, make 32952
the official canvass of election returns, or conduct an audit of 32953
the official results of an election. 32954

(B) At any primary, special, or general election, any 32955
political party supporting candidates to be voted upon at such 32956
election and any group of five or more candidates may appoint to 32957

the board of elections or to any of the precincts in the county or 32958
city one person, a qualified elector, who shall serve as observer 32959
for such party or such candidates during the casting of the 32960
ballots and during the counting of the ballots; provided that 32961
separate observers may be appointed to serve during the casting 32962
and during the counting of the ballots. No candidate, no uniformed 32963
peace officer as defined by section 2935.01 of the Revised Code, 32964
no uniformed state highway patrol trooper, no uniformed member of 32965
any fire department, no uniformed member of the armed services, no 32966
uniformed member of the organized militia, no person wearing any 32967
other uniform, and no person carrying a firearm or other deadly 32968
weapon shall serve as an observer, nor shall any candidate be 32969
represented by more than one observer at any one precinct or at 32970
the board of elections except that a candidate who is a member of 32971
a party controlling committee, as defined in section 3517.03 of 32972
the Revised Code, may serve as an observer. 32973

(C) Any political party or group of candidates appointing 32974
observers shall notify the board of elections of the names and 32975
addresses of its appointees and the precincts at which they shall 32976
serve or that they will serve at the board of elections. 32977
Notification of observers appointed to serve on the day of an 32978
election shall take place not less than eleven days before the day 32979
of the election on forms prescribed by the secretary of state and 32980
may be amended by filing an amendment with the board of elections 32981
at any time until four p.m. of the day before the election. 32982
Notification of observers appointed to serve at the office of the 32983
board during the time absent voter's ballots may be cast in person 32984
or during the time in which the board processes absent voter's 32985
ballots before the time for counting those ballots shall take 32986
place not less than eleven days before absent voter's ballots are 32987
required to be ready for use pursuant to section 3509.01 of the 32988
Revised Code on forms prescribed by the secretary of state and may 32989
be amended by filing an amendment with the board of elections at 32990

any time until four p.m. of the day before the observer is 32991
appointed to serve. The observer serving on behalf of a political 32992
party shall be appointed in writing by the chairperson and 32993
secretary of the respective controlling party committee. Observers 32994
serving for any five or more candidates shall have their 32995
certificates signed by those candidates. Observers appointed to a 32996
precinct may file their certificates of appointment with the 32997
voting location manager of the precinct at the meeting on the 32998
evening prior to the election, or with the voting location manager 32999
of the precinct on the day of the election. Observers appointed to 33000
the office of the board to observe the casting of absent voter's 33001
ballots in person prior to the day of the election or the 33002
processing of absent voter's ballots before the time for counting 33003
those ballots may file their certificates with the director of the 33004
board of elections the day before or on the day that the observers 33005
are scheduled to serve at the office of the board. 33006

Upon the filing of a certificate, the person named as 33007
observer in the certificate shall be permitted to be in and about 33008
the applicable polling place during the casting of the ballots and 33009
shall be permitted to watch every proceeding of the precinct 33010
election officials from the time of the opening until the closing 33011
of the polls. The observer also may inspect the counting of all 33012
ballots in the polling place or board of elections from the time 33013
of the closing of the polls until the counting is completed and 33014
the final returns are certified and signed. Observers appointed to 33015
serve at the board of elections on the day of an election under 33016
this section may observe at the board of elections and may observe 33017
at any precinct in the county. The precinct election officials 33018
shall protect such observers in all of the rights and privileges 33019
granted to them by Title XXXV of the Revised Code. 33020

(D) No persons other than the precinct election officials, 33021
the observers, a police officer, other persons who are detailed to 33022

any precinct on request of the board of elections, or the 33023
secretary of state or the secretary of state's legal 33024
representative shall be admitted to the polling place, or any room 33025
in which a board of elections is counting ballots, after the 33026
closing of the polls until the counting, certifying, and signing 33027
of the final returns of each election have been completed. 33028

(E) Not later than four p.m. of the twentieth day prior to an 33029
election at which questions are to be submitted to a vote of the 33030
people, any committee that in good faith advocates or opposes a 33031
measure may file a petition with the board of any county asking 33032
that the petitioners be recognized as the committee entitled to 33033
appoint observers to the count at the election. If more than one 33034
committee alleging themselves to advocate or oppose the same 33035
measure file such a petition, the board shall decide and announce 33036
by registered mail to each committee not less than twelve days 33037
immediately preceding the election which committee is recognized 33038
as being entitled to appoint observers. The decision shall not be 33039
final, but any aggrieved party may institute mandamus proceedings 33040
in the court of common pleas of the county in which the board has 33041
jurisdiction to compel the precinct election officials to accept 33042
the appointees of such aggrieved party. Any such recognized 33043
committee may appoint an observer to the count in each precinct. 33044
Committees appointing observers shall notify the board of 33045
elections of the names and addresses of its appointees and the 33046
precincts at which they shall serve. Notification shall take place 33047
not less than eleven days before the election on forms prescribed 33048
by the secretary of state and may be amended by filing an 33049
amendment with the board of elections at any time until four p.m. 33050
on the day before the election. A person so appointed shall file 33051
the person's certificate of appointment with the voting location 33052
manager in the precinct in which the person has been appointed to 33053
serve. Observers shall file their certificates before the polls 33054
are closed. In no case shall more than six observers be appointed 33055

for any one election in any one precinct. If more than three 33056
questions are to be voted on, the committees which have appointed 33057
observers may agree upon not to exceed six observers, and the 33058
precinct election officials shall appoint such observers. If such 33059
committees fail to agree, the precinct election officials shall 33060
appoint six observers from the appointees so certified, in such 33061
manner that each side of the several questions shall be 33062
represented. 33063

(F) No person shall serve as an observer at any precinct or 33064
at the board of elections unless the board of elections of the 33065
county in which such observer is to serve has first been notified 33066
of the name, address, and location at which such observer is to 33067
serve. Notification to the board of elections shall be given by 33068
the political party, group of candidates, or committee appointing 33069
such observer as prescribed in this section. No such observers 33070
shall receive any compensation from the county, municipal 33071
corporation, or township, and they shall take the following oath, 33072
to be administered by one of the precinct election officials: 33073

"You do solemnly swear that you will faithfully and 33074
impartially discharge the duties as an official observer, assigned 33075
by law; that you will not cause any delay to persons offering to 33076
vote; and that you will not disclose or communicate to any person 33077
how any elector has voted at such election." 33078

Sec. 3505.331. (A) After declaring the official results of a 33079
general election or of a primary election held in an even-numbered 33080
year, as described in section 3505.33 of the Revised Code, the 33081
board of elections shall audit those results in accordance with 33082
this section. Except as otherwise provided in this division, the 33083
board shall begin the audit not earlier than six days after it 33084
declares the official results and shall complete the audit not 33085
later than the twenty-first day after it declares the official 33086

results. If the board conducts a recount, the board shall begin 33087
the audit immediately after the board certifies the results of the 33088
recount and shall complete the audit not later than the fourteenth 33089
day after it certifies the results of the recount. 33090

(B) The board shall conduct the audit in accordance with 33091
procedures prescribed by the secretary of state, which shall 33092
include all of the following: 33093

(1)(a) Except as otherwise provided in division (B)(1)(b) of 33094
this section, a requirement that the board audit not less than 33095
three contested races, questions, or issues, as directed by the 33096
secretary of state. If fewer than three contested races, 33097
questions, or issues appear on the ballot at the election, then 33098
the board shall audit every contested race, question, and issue. 33099
In any election, every contested race, question, or issue shall be 33100
eligible to be audited. 33101

(b) If the board ordered a countywide recount of the results 33102
of a race, question, or issue under section 3515.011 of the 33103
Revised Code, the recount shall be considered an audit for 33104
purposes of meeting the requirement that the board audit not less 33105
than three contested races, questions, or issues. 33106

(2) A requirement that every ballot that was included in the 33107
canvass of the election returns be eligible to be audited, 33108
including regular ballots cast on the day of the election, absent 33109
voter's ballots, and provisional ballots. 33110

(3) Either a provision allowing the board to choose one of 33111
the following protocols to use in conducting the audit or a 33112
provision requiring the board to use a protocol selected by the 33113
secretary of state from the following protocols in conducting the 33114
audit: 33115

(a) A risk-limiting audit protocol, which shall use 33116

statistical methods to limit to acceptable levels the risk of 33117
certifying an incorrect outcome for a particular race, question, 33118
or issue. The protocol shall require bipartisan teams of election 33119
officials to physically examine and hand count randomly sampled 33120
ballots and to continue the hand counting until the results of the 33121
hand count provide sufficiently strong evidence that a hand count 33122
of all of the ballots would confirm the election result declared 33123
under section 3505.33 of the Revised Code or until all of the 33124
ballots have been hand counted, whichever occurs first. 33125

(b)(i) A percentage-based audit protocol, which shall require 33126
bipartisan teams of election officials to physically examine and 33127
hand count a number of randomly sampled ballots equal to a given 33128
percentage of the total number of ballots cast in the county at 33129
that election, as prescribed by the secretary of state. After the 33130
election officials complete the initial audit, the board shall 33131
calculate, as a percentage, the accuracy rate of each audited 33132
race, question, or issue by dividing the sum of any discrepancies 33133
for the race, question, or issue discovered during the audit by 33134
the total number of ballots audited for the race, question, or 33135
issue and subtracting the resulting number from one. 33136

(ii) If the accuracy rate for an audited race, question, or 33137
issue is less than the acceptable accuracy rate prescribed by the 33138
secretary of state, the board shall escalate the audit of that 33139
race, question, or issue by requiring bipartisan teams of election 33140
officials to physically examine and hand count a second set of 33141
randomly sampled ballots equal to a given percentage of the total 33142
number of ballots cast in the county at that election, as 33143
prescribed by the secretary of state. The second set of ballots 33144
shall not include any ballots that were included in the first set 33145
of audited ballots. After the election officials have counted the 33146
second set of ballots, the board shall calculate the combined 33147
accuracy rate for both audited sets of ballots for that race, 33148

question, or issue. 33149

(c) Another audit protocol approved by the secretary of state. 33150
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(C) The board shall give public notice of the times and places for preparing for and conducting the audit in accordance with section 121.22 of the Revised Code. At all times while the board prepares for and conducts the audit, the board shall permit observers appointed under section 3505.21 of the Revised Code. 33152
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No person other than a member of the board or a designated employee of the board shall be permitted to handle a ballot. 33157
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(D)(1) Not later than five days after completing the audit, the board shall certify the results of the audit to the secretary of state in the form and by the method prescribed by the secretary of state. The secretary of state shall make the results of the audit available to the public on the secretary of state's official web site. 33159
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(2) If the board conducted a percentage-based audit and was required to escalate the audit of a race, question, or issue under division (B)(3)(b)(ii) of this section, and the combined accuracy rate for that race, question, or issue is less than the acceptable combined accuracy rate prescribed by the secretary of state, the secretary of state may require the board to order bipartisan teams of election officials to physically examine and hand count all ballots cast for that race, question, or issue. The requirements of division (C) of this section apply to any full hand count conducted under this division. 33165
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(3) If the results of the completed audit or the results of any full hand count ordered under division (D)(2) of this section indicate that the canvass or the previously declared official election results must be amended, the board promptly shall amend the canvass or issue an amended declaration of the official 33175
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<u>results, as applicable.</u>	33180
<u>(E) As used in this section:</u>	33181
<u>(1) "Ballot" means either a paper ballot or the relevant entry on a voter verified paper audit trail.</u>	33182
<u>(2) "Voter verified paper audit trail" has the same meaning as in section 3506.01 of the Revised Code.</u>	33183
Sec. 3517.01. (A)(1) A political party within the meaning of Title XXXV of the Revised Code is any group of voters that meets either of the following requirements:	33186
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(a) Except as otherwise provided in this division, at the most recent regular state election, the group polled for its candidate for governor in the state or nominees for presidential electors at least three per cent of the entire vote cast for that office. A group that meets the requirements of this division remains a political party for a period of four years after meeting those requirements.	33189
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(b) The group filed with the secretary of state, subsequent to its failure to meet the requirements of division (A)(1)(a) of this section, a party formation petition that meets all of the following requirements:	33196
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(i) The petition is signed by qualified electors equal in number to at least one per cent of the total vote for governor or nominees for presidential electors at the most recent election for such office.	33200
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(ii) The petition is signed by not fewer than five hundred qualified electors from each of at least a minimum of one-half of the congressional districts in this state. If an odd number of congressional districts exists in this state, the number of districts that results from dividing the number of congressional districts by two shall be rounded up to the next whole number.	33204
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(iii) The petition declares the petitioners' intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the succeeding general election, held in even-numbered years, that occurs more than one hundred twenty-five days after the date of filing.

(iv) The petition designates a committee of not less than three nor more than five individuals of the petitioners, who shall represent the petitioners in all matters relating to the petition. Notice of all matters or proceedings pertaining to the petition may be served on the committee, or any of them, either personally or by registered mail, or by leaving such notice at the usual place of residence of each of them.

(2) No such group of electors shall assume a name or designation that is similar, in the opinion of the secretary of state, to that of an existing political party as to confuse or mislead the voters at an election.

(B) A campaign committee shall be legally liable for any debts, contracts, or expenditures incurred or executed in its name.

(C) Notwithstanding the definitions found in section 3501.01 of the Revised Code, as used in this section and sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the Revised Code:

(1) "Campaign committee" means a candidate or a combination of two or more persons authorized by a candidate under section 3517.081 of the Revised Code to receive contributions and make expenditures.

(2) "Campaign treasurer" means an individual appointed by a candidate under section 3517.081 of the Revised Code.

(3) "Candidate" has the same meaning as in division (H) of section 3501.01 of the Revised Code and also includes any person who, at any time before or after an election, receives

contributions or makes expenditures or other use of contributions, 33241
has given consent for another to receive contributions or make 33242
expenditures or other use of contributions, or appoints a campaign 33243
treasurer, for the purpose of bringing about the person's 33244
nomination or election to public office. When two persons jointly 33245
seek the offices of governor and lieutenant governor, "candidate" 33246
means the pair of candidates jointly. "Candidate" does not include 33247
candidates for election to the offices of member of a county or 33248
state central committee, presidential elector, and delegate to a 33249
national convention or conference of a political party. 33250

(4) "Continuing association" means an association, other than 33251
a campaign committee, political party, legislative campaign fund, 33252
political contributing entity, or labor organization, that is 33253
intended to be a permanent organization that has a primary purpose 33254
other than supporting or opposing specific candidates, political 33255
parties, or ballot issues, and that functions on a regular basis 33256
throughout the year. "Continuing association" includes 33257
organizations that are determined to be not organized for profit 33258
under subsection 501 and that are described in subsection 33259
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 33260

(5) "Contribution" means a loan, gift, deposit, forgiveness 33261
of indebtedness, donation, advance, payment, or transfer of funds 33262
or anything of value, including a transfer of funds from an inter 33263
vivos or testamentary trust or decedent's estate, and the payment 33264
by any person other than the person to whom the services are 33265
rendered for the personal services of another person, which 33266
contribution is made, received, or used for the purpose of 33267
influencing the results of an election. Any loan, gift, deposit, 33268
forgiveness of indebtedness, donation, advance, payment, or 33269
transfer of funds or of anything of value, including a transfer of 33270
funds from an inter vivos or testamentary trust or decedent's 33271
estate, and the payment by any campaign committee, political 33272

action committee, legislative campaign fund, political party, 33273
political contributing entity, or person other than the person to 33274
whom the services are rendered for the personal services of 33275
another person, that is made, received, or used by a state or 33276
county political party, other than ~~moneys a state or county~~ 33277
~~political party receives from the Ohio political party fund~~ 33278
~~pursuant to section 3517.17 of the Revised Code and the moneys an~~ 33279
entity may receive under sections 3517.101, 3517.1012, and 33280
3517.1013 of the Revised Code, shall be considered to be a 33281
"contribution" for the purpose of section 3517.10 of the Revised 33282
Code and shall be included on a statement of contributions filed 33283
under that section. 33284

"Contribution" does not include any of the following: 33285

(a) Services provided without compensation by individuals 33286
volunteering a portion or all of their time on behalf of a person; 33287

(b) Ordinary home hospitality; 33288

(c) The personal expenses of a volunteer paid for by that 33289
volunteer campaign worker; 33290

(d) Any gift given to an entity pursuant to section 3517.101 33291
of the Revised Code; 33292

(e) Any contribution as defined in section 3517.1011 of the 33293
Revised Code that is made, received, or used to pay the direct 33294
costs of producing or airing an electioneering communication; 33295

(f) Any gift given to a state or county political party for 33296
the party's restricted fund under division (A)(2) of section 33297
3517.1012 of the Revised Code; 33298

(g) Any gift given to a state political party for deposit in 33299
a Levin account pursuant to section 3517.1013 of the Revised Code. 33300
As used in this division, "Levin account" has the same meaning as 33301
in that section. 33302

(h) Any donation given to a transition fund under section 3517.1014 of the Revised Code. 33303
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(6) "Expenditure" means the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Revised Code. Any disbursement or use of a contribution by a state or county political party is an expenditure and shall be considered either to be made for the purpose of influencing the results of an election or to be made as a charitable donation under division (G) of section 3517.08 of the Revised Code and shall be reported on a statement of expenditures filed under section 3517.10 of the Revised Code. During the thirty days preceding a primary or general election, any disbursement to pay the direct costs of producing or airing a broadcast, cable, or satellite communication that refers to a clearly identified candidate shall be considered to be made for the purpose of influencing the results of that election and shall be reported as an expenditure or as an independent expenditure under section 3517.10 or 3517.105 of the Revised Code, as applicable, except that the information required to be reported regarding contributors for those expenditures or independent expenditures shall be the same as the information required to be reported under divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 33305
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As used in this division, "broadcast, cable, or satellite communication" and "refers to a clearly identified candidate" have the same meanings as in section 3517.1011 of the Revised Code. 33326
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(7) "Personal expenses" includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone. 33329
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(8) "Political action committee" means a combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to 33332
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influence the result of any election through express advocacy, and 33335
that is not a political party, a campaign committee, a political 33336
contributing entity, or a legislative campaign fund. "Political 33337
action committee" does not include either of the following: 33338

(a) A continuing association that makes disbursements for the 33339
direct costs of producing or airing electioneering communications 33340
and that does not engage in express advocacy; 33341

(b) A political club that is formed primarily for social 33342
purposes and that consists of one hundred members or less, has 33343
officers and periodic meetings, has less than two thousand five 33344
hundred dollars in its treasury at all times, and makes an 33345
aggregate total contribution of one thousand dollars or less per 33346
calendar year. 33347

(9) "Public office" means any state, county, municipal, 33348
township, or district office, except an office of a political 33349
party, that is filled by an election and the offices of United 33350
States senator and representative. 33351

(10) "Anything of value" has the same meaning as in section 33352
1.03 of the Revised Code. 33353

(11) "Beneficiary of a campaign fund" means a candidate, a 33354
public official or employee for whose benefit a campaign fund 33355
exists, and any other person who has ever been a candidate or 33356
public official or employee and for whose benefit a campaign fund 33357
exists. 33358

(12) "Campaign fund" means money or other property, including 33359
contributions. 33360

(13) "Public official or employee" has the same meaning as in 33361
section 102.01 of the Revised Code. 33362

(14) "Caucus" means all of the members of the house of 33363
representatives or all of the members of the senate of the general 33364

assembly who are members of the same political party. 33365

(15) "Legislative campaign fund" means a fund that is 33366
established as an auxiliary of a state political party and 33367
associated with one of the houses of the general assembly. 33368

(16) "In-kind contribution" means anything of value other 33369
than money that is used to influence the results of an election or 33370
is transferred to or used in support of or in opposition to a 33371
candidate, campaign committee, legislative campaign fund, 33372
political party, political action committee, or political 33373
contributing entity and that is made with the consent of, in 33374
coordination, cooperation, or consultation with, or at the request 33375
or suggestion of the benefited candidate, committee, fund, party, 33376
or entity. The financing of the dissemination, distribution, or 33377
republication, in whole or part, of any broadcast or of any 33378
written, graphic, or other form of campaign materials prepared by 33379
the candidate, the candidate's campaign committee, or their 33380
authorized agents is an in-kind contribution to the candidate and 33381
an expenditure by the candidate. 33382

(17) "Independent expenditure" means an expenditure by a 33383
person advocating the election or defeat of an identified 33384
candidate or candidates, that is not made with the consent of, in 33385
coordination, cooperation, or consultation with, or at the request 33386
or suggestion of any candidate or candidates or of the campaign 33387
committee or agent of the candidate or candidates. As used in 33388
division (C)(17) of this section: 33389

(a) "Person" means an individual, partnership, unincorporated 33390
business organization or association, political action committee, 33391
political contributing entity, separate segregated fund, 33392
association, or other organization or group of persons, but not a 33393
labor organization or a corporation unless the labor organization 33394
or corporation is a political contributing entity. 33395

(b) "Advocating" means any communication containing a message advocating election or defeat. 33396
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(c) "Identified candidate" means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous reference. 33398
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(d) "Made in coordination, cooperation, or consultation with, or at the request or suggestion of, any candidate or the campaign committee or agent of the candidate" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, or the candidate's agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure is presumed to be so made when it is any of the following: 33402
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(i) Based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's campaign committee or agent, with a view toward having an expenditure made; 33410
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(ii) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of the candidate's campaign committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee or agent; 33414
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(iii) Except as otherwise provided in division (D) of section 3517.105 of the Revised Code, made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts. 33419
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(e) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position with the candidate's 33423
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campaign committee or organization such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

(18) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

(19) "Separate segregated fund" means a separate segregated fund established pursuant to the Federal Election Campaign Act.

(20) "Federal Election Campaign Act" means the "Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et seq., as amended.

(21) "Restricted fund" means the fund a state or county political party must establish under division (A)(1) of section 3517.1012 of the Revised Code.

(22) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code.

(23) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction.

(24) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code.

(25) "Political contributing entity" means any entity,

including a corporation or labor organization, that may lawfully 33457
make contributions and expenditures and that is not an individual 33458
or a political action committee, continuing association, campaign 33459
committee, political party, legislative campaign fund, designated 33460
state campaign committee, or state candidate fund. For purposes of 33461
this division, "lawfully" means not prohibited by any section of 33462
the Revised Code, or authorized by a final judgment of a court of 33463
competent jurisdiction. 33464

(26) "Internet identifier of record" has the same meaning as 33465
in section 9.312 of the Revised Code. 33466

Sec. 3517.10. (A) Except as otherwise provided in this 33467
division, every campaign committee, political action committee, 33468
legislative campaign fund, political party, and political 33469
contributing entity that made or received a contribution or made 33470
an expenditure in connection with the nomination or election of 33471
any candidate or in connection with any ballot issue or question 33472
at any election held or to be held in this state shall file, on a 33473
form prescribed under this section or by electronic means of 33474
transmission as provided in this section and section 3517.106 of 33475
the Revised Code, a full, true, and itemized statement, made under 33476
penalty of election falsification, setting forth in detail the 33477
contributions and expenditures, not later than four p.m. of the 33478
following dates: 33479

(1) The twelfth day before the election to reflect 33480
contributions received and expenditures made from the close of 33481
business on the last day reflected in the last previously filed 33482
statement, if any, to the close of business on the twentieth day 33483
before the election; 33484

(2) The thirty-eighth day after the election to reflect the 33485
contributions received and expenditures made from the close of 33486
business on the last day reflected in the last previously filed 33487

statement, if any, to the close of business on the seventh day 33488
before the filing of the statement; 33489

(3) The last business day of January of every year to reflect 33490
the contributions received and expenditures made from the close of 33491
business on the last day reflected in the last previously filed 33492
statement, if any, to the close of business on the last day of 33493
December of the previous year; 33494

(4) The last business day of July of every year to reflect 33495
the contributions received and expenditures made from the close of 33496
business on the last day reflected in the last previously filed 33497
statement, if any, to the close of business on the last day of 33498
June of that year. 33499

A campaign committee shall only be required to file the 33500
statements prescribed under divisions (A)(1) and (2) of this 33501
section in connection with the nomination or election of the 33502
committee's candidate. 33503

The statement required under division (A)(1) of this section 33504
shall not be required of any campaign committee, political action 33505
committee, legislative campaign fund, political party, or 33506
political contributing entity that has received contributions of 33507
less than one thousand dollars and has made expenditures of less 33508
than one thousand dollars at the close of business on the 33509
twentieth day before the election. Those contributions and 33510
expenditures shall be reported in the statement required under 33511
division (A)(2) of this section. 33512

If an election to select candidates to appear on the general 33513
election ballot is held within sixty days before a general 33514
election, the campaign committee of a successful candidate in the 33515
earlier election may file the statement required by division 33516
(A)(1) of this section for the general election instead of the 33517
statement required by division (A)(2) of this section for the 33518

earlier election if the pregeneral election statement reflects the 33519
status of contributions and expenditures for the period twenty 33520
days before the earlier election to twenty days before the general 33521
election. 33522

If a person becomes a candidate less than twenty days before 33523
an election, the candidate's campaign committee is not required to 33524
file the statement required by division (A)(1) of this section. 33525

No statement under division (A)(3) of this section shall be 33526
required for any year in which a campaign committee, political 33527
action committee, legislative campaign fund, political party, or 33528
political contributing entity is required to file a postgeneral 33529
election statement under division (A)(2) of this section. However, 33530
a statement under division (A)(3) of this section may be filed, at 33531
the option of the campaign committee, political action committee, 33532
legislative campaign fund, political party, or political 33533
contributing entity. 33534

No campaign committee of a candidate for the office of chief 33535
justice or justice of the supreme court, and no campaign committee 33536
of a candidate for the office of judge of any court in this state, 33537
shall be required to file a statement under division (A)(4) of 33538
this section. 33539

Except as otherwise provided in this paragraph and in the 33540
next paragraph of this section, the only campaign committees 33541
required to file a statement under division (A)(4) of this section 33542
are the campaign committee of a statewide candidate and the 33543
campaign committee of a candidate for county office. The campaign 33544
committee of a candidate for any other nonjudicial office is 33545
required to file a statement under division (A)(4) of this section 33546
if that campaign committee receives, during that period, 33547
contributions exceeding ten thousand dollars. 33548

No statement under division (A)(4) of this section shall be 33549

required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a political contributing entity for any year in which the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postprimary election statement under division (A)(2) of this section. However, a statement under division (A)(4) of this section may be filed at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No statement under division (A)(3) or (4) of this section shall be required if the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) or (4) of this section, as applicable.

The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on the nineteenth day before the general election in which a statewide candidate seeks election to office and extending through the day of that general election, each time the campaign committee

of the joint candidates for the offices of governor and lieutenant 33582
governor or of a candidate for the office of secretary of state, 33583
auditor of state, treasurer of state, or attorney general receives 33584
a contribution from a contributor that causes the aggregate amount 33585
of contributions received from that contributor during that period 33586
to equal or exceed ten thousand dollars and each time the campaign 33587
committee of a candidate for the office of chief justice or 33588
justice of the supreme court receives a contribution from a 33589
contributor that causes the aggregate amount of contributions 33590
received from that contributor during that period to exceed ten 33591
thousand dollars, the campaign committee shall file a 33592
two-business-day statement reflecting that contribution. 33593
Contributions reported on a two-business-day statement required to 33594
be filed by a campaign committee of a statewide candidate in a 33595
primary election shall also be included in the postprimary 33596
election statement required to be filed by that campaign committee 33597
under division (A)(2) of this section. A two-business-day 33598
statement required by this paragraph shall be filed not later than 33599
two business days after receipt of the contribution. The 33600
statements required by this paragraph shall be filed in addition 33601
to any other statements required by this section. 33602

Subject to the secretary of state having implemented, tested, 33603
and verified the successful operation of any system the secretary 33604
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 33605
this section and division (H)(1) of section 3517.106 of the 33606
Revised Code for the filing of campaign finance statements by 33607
electronic means of transmission, a campaign committee of a 33608
statewide candidate shall file a two-business-day statement under 33609
the preceding paragraph by electronic means of transmission if the 33610
campaign committee is required to file a pre-election, 33611
postelection, or monthly statement of contributions and 33612
expenditures by electronic means of transmission under this 33613
section or section 3517.106 of the Revised Code. 33614

If a campaign committee or political action committee has no balance on hand and no outstanding obligations and desires to terminate itself, it shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, with the official with whom it files a statement under division (A) of this section after filing a final statement of contributions and a final statement of expenditures, if contributions have been received or expenditures made since the period reflected in its last previously filed statement.

(B) Except as otherwise provided in division (C)(7) of this section, each statement required by division (A) of this section shall contain the following information:

(1) The full name and address of each campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity, including any treasurer of the committee, fund, party, or entity, filing a contribution and expenditure statement;

(2)(a) In the case of a campaign committee, the candidate's full name and address;

(b) In the case of a political action committee, the registration number assigned to the committee under division (D)(1) of this section.

(3) The date of the election and whether it was or will be a general, primary, or special election;

(4) A statement of contributions received, which shall include the following information:

(a) The month, day, and year of the contribution;

(b)(i) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from whom

contributions are received and the registration number assigned to 33645
the political action committee under division (D)(1) of this 33646
section. The requirement of filing the full address does not apply 33647
to any statement filed by a state or local committee of a 33648
political party, to a finance committee of such committee, or to a 33649
committee recognized by a state or local committee as its 33650
fund-raising auxiliary. Notwithstanding division (F) of this 33651
section, the requirement of filing the full address shall be 33652
considered as being met if the address filed is the same address 33653
the contributor provided under division (E)(1) of this section. 33654

(ii) If a political action committee, political contributing 33655
entity, legislative campaign fund, or political party that is 33656
required to file campaign finance statements by electronic means 33657
of transmission under section 3517.106 of the Revised Code or a 33658
campaign committee of a statewide candidate or candidate for the 33659
office of member of the general assembly receives a contribution 33660
from an individual that exceeds one hundred dollars, the name of 33661
the individual's current employer, if any, or, if the individual 33662
is self-employed, the individual's occupation and the name of the 33663
individual's business, if any; 33664

(iii) If a campaign committee of a statewide candidate or 33665
candidate for the office of member of the general assembly 33666
receives a contribution transmitted pursuant to section 3599.031 33667
of the Revised Code from amounts deducted from the wages and 33668
salaries of two or more employees that exceeds in the aggregate 33669
one hundred dollars during any one filing period under division 33670
(A)(1), (2), (3), or (4) of this section, the full name of the 33671
employees' employer and the full name of the labor organization of 33672
which the employees are members, if any. 33673

(c) A description of the contribution received, if other than 33674
money; 33675

(d) The value in dollars and cents of the contribution; 33676

(e) A separately itemized account of all contributions and expenditures regardless of the amount, except a receipt of a contribution from a person in the sum of twenty-five dollars or less at one social or fund-raising activity and a receipt of a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of employees if the contribution from the amount deducted from the wages and salary of any one employee is twenty-five dollars or less aggregated in a calendar year. An account of the total contributions from each social or fund-raising activity shall include a description of and the value of each in-kind contribution received at that activity from any person who made one or more such contributions whose aggregate value exceeded two hundred fifty dollars and shall be listed separately, together with the expenses incurred and paid in connection with that activity. A campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall keep records of contributions from each person in the amount of twenty-five dollars or less at one social or fund-raising activity and contributions from amounts deducted under section 3599.031 of the Revised Code from the wages and salary of each employee in the amount of twenty-five dollars or less aggregated in a calendar year. No continuing association that is recognized by a state or local committee of a political party as an auxiliary of the party and that makes a contribution from funds derived solely from regular dues paid by members of the auxiliary shall be required to list the name or address of any members who paid those dues.

Contributions that are other income shall be itemized separately from all other contributions. The information required under division (B)(4) of this section shall be provided for all other income itemized. As used in this paragraph, "other income" means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected officer, if a person doing business with the state elected officer in the officer's official capacity makes a contribution to the campaign committee of that officer, the information required under division (B)(4) of this section in regard to that contribution, which shall be filed together with and considered a part of the committee's statement of contributions as required under division (A) of this section but shall be filed on a separate form provided by the secretary of state. As used in this division:

(i) "State elected officer" has the same meaning as in section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer of an entity who enters into one or more contracts with a state elected officer or anyone authorized to enter into contracts on behalf of that officer to receive payments for goods or services, if the payments total, in the aggregate, more than five thousand dollars during a calendar year.

(5) A statement of expenditures which shall include the following information:

(a) The month, day, and year of the expenditure;

(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D)(1) of this section;

(c) The object or purpose for which the expenditure was made;

(d) The amount of each expenditure.

(C)(1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of

transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (H) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.

(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, and who, at any time prior to or after an election, receives contributions or makes expenditures, or has given consent for another to receive

contributions or make expenditures, for the purpose of bringing 33772
about the person's nomination or election to public office, shall 33773
file the statement or statements prescribed by this section and a 33774
termination statement, if applicable. Division (C)(5) of this 33775
section does not apply to any person with respect to an election 33776
to the offices of member of a county or state central committee, 33777
presidential elector, or delegate to a national convention or 33778
conference of a political party. 33779

(6)(a) The statements required to be filed under this section 33780
shall specify the balance in the hands of the campaign committee, 33781
political action committee, legislative campaign fund, political 33782
party, or political contributing entity and the disposition 33783
intended to be made of that balance. 33784

(b) The secretary of state shall prescribe the form for all 33785
statements required to be filed under this section and shall 33786
furnish the forms to the boards of elections in the several 33787
counties. The boards of elections shall supply printed copies of 33788
those forms without charge. The secretary of state shall prescribe 33789
the appropriate methodology, protocol, and data file structure for 33790
statements required or permitted to be filed by electronic means 33791
of transmission under division (A) of this section, divisions (E), 33792
(F), and (G) of section 3517.106, division (D) of section 33793
3517.1011, division (B) of section 3517.1012, division (C) of 33794
section 3517.1013, and divisions (D) and (I) of section 3517.1014 33795
of the Revised Code. Subject to division (A) of this section, 33796
divisions (E), (F), and (G) of section 3517.106, division (D) of 33797
section 3517.1011, division (B) of section 3517.1012, division (C) 33798
of section 3517.1013, and divisions (D) and (I) of section 33799
3517.1014 of the Revised Code, the statements required to be 33800
stored on computer by the secretary of state under division (B) of 33801
section 3517.106 of the Revised Code shall be filed in whatever 33802
format the secretary of state considers necessary to enable the 33803

secretary of state to store the information contained in the 33804
statements on computer. Any such format shall be of a type and 33805
nature that is readily available to whoever is required to file 33806
the statements in that format. 33807

(c) The secretary of state shall assess the need for training 33808
regarding the filing of campaign finance statements by electronic 33809
means of transmission and regarding associated technologies for 33810
candidates, campaign committees, political action committees, 33811
legislative campaign funds, political parties, or political 33812
contributing entities, for individuals, partnerships, or other 33813
entities, for persons making disbursements to pay the direct costs 33814
of producing or airing electioneering communications, or for 33815
treasurers of transition funds, required or permitted to file 33816
statements by electronic means of transmission under this section 33817
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 33818
3517.1014 of the Revised Code. If, in the opinion of the secretary 33819
of state, training in these areas is necessary, the secretary of 33820
state shall arrange for the provision of voluntary training 33821
programs for candidates, campaign committees, political action 33822
committees, legislative campaign funds, political parties, or 33823
political contributing entities, for individuals, partnerships, 33824
and other entities, for persons making disbursements to pay the 33825
direct costs of producing or airing electioneering communications, 33826
or for treasurers of transition funds, as appropriate. 33827

(7) Each monthly statement and each two-business-day 33828
statement required by division (A) of this section shall contain 33829
the information required by divisions (B)(1) to (4), (C)(2), and, 33830
if appropriate, (C)(3) of this section. Each statement shall be 33831
signed as required by division (C)(1) of this section. 33832

(D)(1) Prior to receiving a contribution or making an 33833
expenditure, every campaign committee, political action committee, 33834
legislative campaign fund, political party, or political 33835

contributing entity shall appoint a treasurer and shall file, on a 33836
form prescribed by the secretary of state, a designation of that 33837
appointment, including the full name and address of the treasurer 33838
and of the campaign committee, political action committee, 33839
legislative campaign fund, political party, or political 33840
contributing entity. That designation shall be filed with the 33841
official with whom the campaign committee, political action 33842
committee, legislative campaign fund, political party, or 33843
political contributing entity is required to file statements under 33844
section 3517.11 of the Revised Code. The name of a campaign 33845
committee shall include at least the last name of the campaign 33846
committee's candidate. If two or more candidates are the 33847
beneficiaries of a single campaign committee under division (B) of 33848
section 3517.081 of the Revised Code, the name of the campaign 33849
committee shall include at least the last name of each candidate 33850
who is a beneficiary of that campaign committee. The secretary of 33851
state shall assign a registration number to each political action 33852
committee that files a designation of the appointment of a 33853
treasurer under this division if the political action committee is 33854
required by division (A)(1) of section 3517.11 of the Revised Code 33855
to file the statements prescribed by this section with the 33856
secretary of state. 33857

(2) The treasurer appointed under division (D)(1) of this 33858
section shall keep a strict account of all contributions, from 33859
whom received and the purpose for which they were disbursed. 33860

(3)(a) Except as otherwise provided in section 3517.108 of 33861
the Revised Code, a campaign committee shall deposit all monetary 33862
contributions received by the committee into an account separate 33863
from a personal or business account of the candidate or campaign 33864
committee. 33865

(b) A political action committee shall deposit all monetary 33866
contributions received by the committee into an account separate 33867

from all other funds. 33868

(c) A state or county political party may establish a state 33869
candidate fund that is separate from ~~an account that contains the~~ 33870
~~public moneys received from the Ohio political party fund under~~ 33871
~~section 3517.17 of the Revised Code and from~~ all other funds. A 33872
state or county political party may deposit into its state 33873
candidate fund any amounts of monetary contributions that are made 33874
to or accepted by the political party subject to the applicable 33875
limitations, if any, prescribed in section 3517.102 of the Revised 33876
Code. A state or county political party shall deposit all other 33877
monetary contributions received by the party into one or more 33878
accounts that are separate from its state candidate fund ~~and from~~ 33879
~~its account that contains the public moneys received from the Ohio~~ 33880
~~political party fund under section 3517.17 of the Revised Code.~~ 33881

(d) Each state political party shall have only one 33882
legislative campaign fund for each house of the general assembly. 33883
Each such fund shall be separate from any other funds or accounts 33884
of that state party. A legislative campaign fund is authorized to 33885
receive contributions and make expenditures for the primary 33886
purpose of furthering the election of candidates who are members 33887
of that political party to the house of the general assembly with 33888
which that legislative campaign fund is associated. Each 33889
legislative campaign fund shall be administered and controlled in 33890
a manner designated by the caucus. As used in this division, 33891
"caucus" has the same meaning as in section 3517.01 of the Revised 33892
Code and includes, as an ex officio member, the chairperson of the 33893
state political party with which the caucus is associated or that 33894
chairperson's designee. 33895

(4) Every expenditure in excess of twenty-five dollars shall 33896
be vouched for by a receipted bill, stating the purpose of the 33897
expenditure, that shall be filed with the statement of 33898
expenditures. A canceled check with a notation of the purpose of 33899

the expenditure is a receipted bill for purposes of division 33900
(D)(4) of this section. 33901

(5) The secretary of state or the board of elections, as the 33902
case may be, shall issue a receipt for each statement filed under 33903
this section and shall preserve a copy of the receipt for a period 33904
of at least six years. All statements filed under this section 33905
shall be open to public inspection in the office where they are 33906
filed and shall be carefully preserved for a period of at least 33907
six years after the year in which they are filed. 33908

(6) The secretary of state, by rule adopted pursuant to 33909
section 3517.23 of the Revised Code, shall prescribe both of the 33910
following: 33911

(a) The manner of immediately acknowledging, with date and 33912
time received, and preserving the receipt of statements that are 33913
transmitted by electronic means of transmission to the secretary 33914
of state pursuant to this section or section 3517.106, 3517.1011, 33915
3517.1012, 3517.1013, or 3517.1014 of the Revised Code; 33916

(b) The manner of preserving the contribution and 33917
expenditure, contribution and disbursement, deposit and 33918
disbursement, gift and disbursement, or donation and disbursement 33919
information in the statements described in division (D)(6)(a) of 33920
this section. The secretary of state shall preserve the 33921
contribution and expenditure, contribution and disbursement, 33922
deposit and disbursement, gift and disbursement, or donation and 33923
disbursement information in those statements for at least ten 33924
years after the year in which they are filed by electronic means 33925
of transmission. 33926

(7) The secretary of state, pursuant to division (I) of 33927
section 3517.106 of the Revised Code, shall make available online 33928
to the public through the internet the contribution and 33929
expenditure, contribution and disbursement, deposit and 33930

disbursement, gift and disbursement, or donation and disbursement 33931
information in all statements, all addenda, amendments, or other 33932
corrections to statements, and all amended statements filed with 33933
the secretary of state by electronic or other means of 33934
transmission under this section, division (B)(2)(b) or (C)(2)(b) 33935
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 33936
3517.1013, 3517.1014, or 3517.11 of the Revised Code. The 33937
secretary of state may remove the information from the internet 33938
after a reasonable period of time. 33939

(E)(1) Any person, political party, campaign committee, 33940
legislative campaign fund, political action committee, or 33941
political contributing entity that makes a contribution in 33942
connection with the nomination or election of any candidate or in 33943
connection with any ballot issue or question at any election held 33944
or to be held in this state shall provide its full name and 33945
address to the recipient of the contribution at the time the 33946
contribution is made. The political action committee also shall 33947
provide the registration number assigned to the committee under 33948
division (D)(1) of this section to the recipient of the 33949
contribution at the time the contribution is made. 33950

(2) Any individual who makes a contribution that exceeds one 33951
hundred dollars to a political action committee, political 33952
contributing entity, legislative campaign fund, or political party 33953
or to a campaign committee of a statewide candidate or candidate 33954
for the office of member of the general assembly shall provide the 33955
name of the individual's current employer, if any, or, if the 33956
individual is self-employed, the individual's occupation and the 33957
name of the individual's business, if any, to the recipient of the 33958
contribution at the time the contribution is made. Sections 33959
3599.39 and 3599.40 of the Revised Code do not apply to division 33960
(E)(2) of this section. 33961

(3) If a campaign committee shows that it has exercised its 33962

best efforts to obtain, maintain, and submit the information 33963
required under divisions (B)(4)(b)(ii) and (iii) of this section, 33964
that committee is considered to have met the requirements of those 33965
divisions. A campaign committee shall not be considered to have 33966
exercised its best efforts unless, in connection with written 33967
solicitations, it regularly includes a written request for the 33968
information required under division (B)(4)(b)(ii) of this section 33969
from the contributor or the information required under division 33970
(B)(4)(b)(iii) of this section from whoever transmits the 33971
contribution. 33972

(4) Any check that a political action committee uses to make 33973
a contribution or an expenditure shall contain the full name and 33974
address of the committee and the registration number assigned to 33975
the committee under division (D)(1) of this section. 33976

(F) As used in this section: 33977

(1)(a) Except as otherwise provided in division (F)(1) of 33978
this section, "address" means all of the following if they exist: 33979
apartment number, street, road, or highway name and number, rural 33980
delivery route number, city or village, state, and zip code as 33981
used in a person's post-office address, but not post-office box. 33982

(b) Except as otherwise provided in division (F)(1) of this 33983
section, if an address is required in this section, a post-office 33984
box and office, room, or suite number may be included in addition 33985
to, but not in lieu of, an apartment, street, road, or highway 33986
name and number. 33987

(c) If an address is required in this section, a campaign 33988
committee, political action committee, legislative campaign fund, 33989
political party, or political contributing entity may use the 33990
business or residence address of its treasurer or deputy 33991
treasurer. The post-office box number of the campaign committee, 33992
political action committee, legislative campaign fund, political 33993

party, or political contributing entity may be used in addition to 33994
that address. 33995

(d) For the sole purpose of a campaign committee's reporting 33996
of contributions on a statement of contributions received under 33997
division (B)(4) of this section, "address" has one of the 33998
following meanings at the option of the campaign committee: 33999

(i) The same meaning as in division (F)(1)(a) of this 34000
section; 34001

(ii) All of the following, if they exist: the contributor's 34002
post-office box number and city or village, state, and zip code as 34003
used in the contributor's post-office address. 34004

(e) As used with regard to the reporting under this section 34005
of any expenditure, "address" means all of the following if they 34006
exist: apartment number, street, road, or highway name and number, 34007
rural delivery route number, city or village, state, and zip code 34008
as used in a person's post-office address, or post-office box. If 34009
an address concerning any expenditure is required in this section, 34010
a campaign committee, political action committee, legislative 34011
campaign fund, political party, or political contributing entity 34012
may use the business or residence address of its treasurer or 34013
deputy treasurer or its post-office box number. 34014

(2) "Statewide candidate" means the joint candidates for the 34015
offices of governor and lieutenant governor or a candidate for the 34016
office of secretary of state, auditor of state, treasurer of 34017
state, attorney general, member of the state board of education, 34018
chief justice of the supreme court, or justice of the supreme 34019
court. 34020

(3) "Candidate for county office" means a candidate for the 34021
office of county auditor, county treasurer, clerk of the court of 34022
common pleas, judge of the court of common pleas, sheriff, county 34023
recorder, county engineer, county commissioner, prosecuting 34024

attorney, or coroner. 34025

(G) An independent expenditure shall be reported whenever and 34026
in the same manner that an expenditure is required to be reported 34027
under this section and shall be reported pursuant to division 34028
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 34029

(H)(1) Except as otherwise provided in division (H)(2) of 34030
this section, if, during the combined pre-election and 34031
postelection reporting periods for an election, a campaign 34032
committee has received contributions of five hundred dollars or 34033
less and has made expenditures in the total amount of five hundred 34034
dollars or less, it may file a statement to that effect, under 34035
penalty of election falsification, in lieu of the statement 34036
required by division (A)(2) of this section. The statement shall 34037
indicate the total amount of contributions received and the total 34038
amount of expenditures made during those combined reporting 34039
periods. 34040

(2) In the case of a successful candidate at a primary 34041
election, if either the total contributions received by or the 34042
total expenditures made by the candidate's campaign committee 34043
during the preprimary, postprimary, pregeneral, and postgeneral 34044
election periods combined equal more than five hundred dollars, 34045
the campaign committee may file the statement under division 34046
(H)(1) of this section only for the primary election. The first 34047
statement that the campaign committee files in regard to the 34048
general election shall reflect all contributions received and all 34049
expenditures made during the preprimary and postprimary election 34050
periods. 34051

(3) Divisions (H)(1) and (2) of this section do not apply if 34052
a campaign committee receives contributions or makes expenditures 34053
prior to the first day of January of the year of the election at 34054
which the candidate seeks nomination or election to office or if 34055
the campaign committee does not file a termination statement with 34056

its postprimary election statement in the case of an unsuccessful 34057
primary election candidate or with its postgeneral election 34058
statement in the case of other candidates. 34059

(I) In the case of a contribution made by a partner of a 34060
partnership or an owner or a member of another unincorporated 34061
business from any funds of the partnership or other unincorporated 34062
business, all of the following apply: 34063

(1) The recipient of the contribution shall report the 34064
contribution by listing both the partnership or other 34065
unincorporated business and the name of the partner, owner, or 34066
member making the contribution. 34067

(2) In reporting the contribution, the recipient of the 34068
contribution shall be entitled to conclusively rely upon the 34069
information provided by the partnership or other unincorporated 34070
business, provided that the information includes one of the 34071
following: 34072

(a) The name of each partner, owner, or member as of the date 34073
of the contribution or contributions, and a statement that the 34074
total contributions are to be allocated equally among all of the 34075
partners, owners, or members; or 34076

(b) The name of each partner, owner, or member as of the date 34077
of the contribution or contributions who is participating in the 34078
contribution or contributions, and a statement that the 34079
contribution or contributions are to be allocated to those 34080
individuals in accordance with the information provided by the 34081
partnership or other unincorporated business to the recipient of 34082
the contribution. 34083

(3) For purposes of section 3517.102 of the Revised Code, the 34084
contribution shall be considered to have been made by the partner, 34085
owner, or member reported under division (I)(1) of this section. 34086

(4) No contribution from a partner of a partnership or an 34087

owner or a member of another unincorporated business shall be 34088
accepted from any funds of the partnership or other unincorporated 34089
business unless the recipient reports the contribution under 34090
division (I)(1) of this section together with the information 34091
provided under division (I)(2) of this section. 34092

(5) No partnership or other unincorporated business shall 34093
make a contribution or contributions solely in the name of the 34094
partnership or other unincorporated business. 34095

(6) As used in division (I) of this section, "partnership or 34096
other unincorporated business" includes, but is not limited to, a 34097
cooperative, a sole proprietorship, a general partnership, a 34098
limited partnership, a limited partnership association, a limited 34099
liability partnership, and a limited liability company. 34100

(J) A candidate shall have only one campaign committee at any 34101
given time for all of the offices for which the person is a 34102
candidate or holds office. 34103

(K)(1) In addition to filing a designation of appointment of 34104
a treasurer under division (D)(1) of this section, the campaign 34105
committee of any candidate for an elected municipal office that 34106
pays an annual amount of compensation of five thousand dollars or 34107
less, the campaign committee of any candidate for member of a 34108
board of education except member of the state board of education, 34109
or the campaign committee of any candidate for township trustee or 34110
township fiscal officer may sign, under penalty of election 34111
falsification, a certificate attesting that the committee will not 34112
accept contributions during an election period that exceed in the 34113
aggregate two thousand dollars from all contributors and one 34114
hundred dollars from any one individual, and that the campaign 34115
committee will not make expenditures during an election period 34116
that exceed in the aggregate two thousand dollars. 34117

The certificate shall be on a form prescribed by the 34118

secretary of state and shall be filed not later than ten days 34119
after the candidate files a declaration of candidacy and petition, 34120
a nominating petition, or a declaration of intent to be a write-in 34121
candidate. 34122

(2) Except as otherwise provided in division (K)(3) of this 34123
section, a campaign committee that files a certificate under 34124
division (K)(1) of this section is not required to file the 34125
statements required by division (A) of this section. 34126

(3) If, after filing a certificate under division (K)(1) of 34127
this section, a campaign committee exceeds any of the limitations 34128
described in that division during an election period, the 34129
certificate is void and thereafter the campaign committee shall 34130
file the statements required by division (A) of this section. If 34131
the campaign committee has not previously filed a statement, then 34132
on the first statement the campaign committee is required to file 34133
under division (A) of this section after the committee's 34134
certificate is void, the committee shall report all contributions 34135
received and expenditures made from the time the candidate filed 34136
the candidate's declaration of candidacy and petition, nominating 34137
petition, or declaration of intent to be a write-in candidate. 34138

(4) As used in division (K) of this section, "election 34139
period" means the period of time beginning on the day a person 34140
files a declaration of candidacy and petition, nominating 34141
petition, or declaration of intent to be a write-in candidate 34142
through the day of the election at which the person seeks 34143
nomination to office if the person is not elected to office, or, 34144
if the candidate was nominated in a primary election, the day of 34145
the election at which the candidate seeks office. 34146

(L) A political contributing entity that receives 34147
contributions from the dues, membership fees, or other assessments 34148
of its members or from its officers, shareholders, and employees 34149
may report the aggregate amount of contributions received from 34150

those contributors and the number of individuals making those 34151
contributions, for each filing period under divisions (A)(1), (2), 34152
(3), and (4) of this section, rather than reporting information as 34153
required under division (B)(4) of this section, including, when 34154
applicable, the name of the current employer, if any, of a 34155
contributor whose contribution exceeds one hundred dollars or, if 34156
such a contributor is self-employed, the contributor's occupation 34157
and the name of the contributor's business, if any. Division 34158
(B)(4) of this section applies to a political contributing entity 34159
with regard to contributions it receives from all other 34160
contributors. 34161

Sec. 3517.102. (A) Except as otherwise provided in section 34162
3517.103 of the Revised Code, as used in this section and sections 34163
3517.103 and 3517.104 of the Revised Code: 34164

(1) "Candidate" has the same meaning as in section 3517.01 of 34165
the Revised Code but includes only candidates for the offices of 34166
governor, lieutenant governor, secretary of state, auditor of 34167
state, treasurer of state, attorney general, member of the state 34168
board of education, member of the general assembly, chief justice 34169
of the supreme court, and justice of the supreme court. 34170

(2) "Statewide candidate" or "any one statewide candidate" 34171
means the joint candidates for the offices of governor and 34172
lieutenant governor or a candidate for the office of secretary of 34173
state, auditor of state, treasurer of state, attorney general, 34174
member of the state board of education, chief justice of the 34175
supreme court, or justice of the supreme court. 34176

(3) "Senate candidate" means a candidate for the office of 34177
state senator. 34178

(4) "House candidate" means a candidate for the office of 34179
state representative. 34180

(5)(a) "Primary election period" for a candidate begins on 34181
the beginning date of the candidate's pre-filing period specified 34182
in division (A)(9) of section 3517.109 of the Revised Code and 34183
ends on the day of the primary election. 34184

(b) In regard to any candidate, the "general election period" 34185
begins on the day after the primary election immediately preceding 34186
the general election at which the candidate seeks an office 34187
specified in division (A)(1) of this section and ends on the 34188
thirty-first day of December following that general election. 34189

(6) "State candidate fund" means the state candidate fund 34190
established by a state or county political party under division 34191
(D)(3)(c) of section 3517.10 of the Revised Code. 34192

(7) "Postgeneral election statement" means the statement 34193
filed under division (A)(2) of section 3517.10 of the Revised Code 34194
by the campaign committee of a candidate after the general 34195
election in which the candidate ran for office or filed by 34196
legislative campaign fund after the general election in an 34197
even-numbered year. 34198

(8) "Contribution" means any contribution that is required to 34199
be reported in the statement of contributions under section 34200
3517.10 of the Revised Code. 34201

(9)(a) Except as otherwise provided in division (A)(9)(b) of 34202
this section, "designated state campaign committee" means: 34203

(i) In the case of contributions to or from a state political 34204
party, a campaign committee of a statewide candidate, statewide 34205
officeholder, senate candidate, house candidate, or member of the 34206
general assembly. 34207

(ii) In the case of contributions to or from a county 34208
political party, a campaign committee of a senate candidate or 34209
house candidate whose candidacy is to be submitted to some or all 34210
of the electors in that county, or member of the general assembly 34211

whose district contains all or part of that county. 34212

(iii) In the case of contributions to or from a legislative 34213
campaign fund, a campaign committee of any of the following: 34214

(I) A senate or house candidate who, if elected, will be a 34215
member of the same party that established the legislative campaign 34216
fund and the same house with which the legislative campaign fund 34217
is associated; 34218

(II) A state senator or state representative who is a member 34219
of the same party that established the legislative campaign fund 34220
and the same house with which the legislative campaign fund is 34221
associated. 34222

(b) A campaign committee is no longer a "designated state 34223
campaign committee" after the campaign committee's candidate 34224
changes the designation of treasurer required to be filed under 34225
division (D)(1) of section 3517.10 of the Revised Code to indicate 34226
that the person intends to be a candidate for, or becomes a 34227
candidate for nomination or election to, any office that, if 34228
elected, would not qualify that candidate's campaign committee as 34229
a "designated state campaign committee" under division (A)(9)(a) 34230
of this section. 34231

(B)(1)(a) No individual who is seven years of age or older 34232
shall make a contribution or contributions aggregating more than: 34233

(i) Ten thousand dollars to the campaign committee of any one 34234
statewide candidate in a primary election period or in a general 34235
election period; 34236

(ii) Ten thousand dollars to the campaign committee of any 34237
one senate candidate in a primary election period or in a general 34238
election period; 34239

(iii) Ten thousand dollars to the campaign committee of any 34240
one house candidate in a primary election period or in a general 34241

election period;	34242
(iv) Ten thousand dollars to a county political party of the county in which the individual's designated Ohio residence is located for the party's state candidate fund in a calendar year;	34243 34244 34245
(v) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	34246 34247
(vi) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	34248 34249
(vii) Ten thousand dollars to any one political action committee in a calendar year;	34250 34251
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	34252 34253
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	34254 34255 34256 34257
(c) No individual who is under seven years of age shall make any contribution.	34258 34259
(2)(a) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	34260 34261 34262
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	34263 34264 34265
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	34266 34267 34268
(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	34269 34270 34271

(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	34272 34273
(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	34274 34275
(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.	34276 34277 34278 34279 34280 34281 34282 34283 34284 34285 34286 34287 34288
(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund.	34289 34290 34291
(3) No campaign committee shall make a contribution or contributions aggregating more than:	34292 34293
(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	34294 34295 34296
(b) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	34297 34298 34299
(c) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	34300 34301 34302

(d) Ten thousand dollars to any one political action committee in a calendar year;	34303 34304
(e) Ten thousand dollars to any one political contributing entity in a calendar year.	34305 34306
(4)(a) Subject to division (D)(3) of this section, no political party shall make a contribution or contributions aggregating more than ten thousand dollars to any one political action committee or to any one political contributing entity in a calendar year.	34307 34308 34309 34310 34311
(b) No county political party shall make a contribution or contributions to another county political party.	34312 34313
(5)(a) Subject to division (B)(5)(b) of this section, no campaign committee, other than a designated state campaign committee, shall make a contribution or contributions aggregating in a calendar year more than:	34314 34315 34316 34317
(i) Thirty thousand dollars to any one state political party for the party's state candidate fund;	34318 34319
(ii) Fifteen thousand dollars to any one legislative campaign fund;	34320 34321
(iii) Ten thousand dollars to any one county political party for the party's state candidate fund.	34322 34323
(b) No campaign committee shall make a contribution or contributions to a county political party for the party's state candidate fund unless one of the following applies:	34324 34325 34326
(i) The campaign committee's candidate will appear on a ballot in that county.	34327 34328
(ii) The campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is made.	34329 34330 34331
(6)(a) No state candidate fund of a county political party	34332

shall make a contribution or contributions, except a contribution 34333
or contributions to a designated state campaign committee, in a 34334
primary election period or a general election period, aggregating 34335
more than: 34336

(i) Two hundred fifty thousand dollars to the campaign 34337
committee of any one statewide candidate; 34338

(ii) Ten thousand dollars to the campaign committee of any 34339
one senate candidate; 34340

(iii) Ten thousand dollars to the campaign committee of any 34341
one house candidate. 34342

(b)(i) No state candidate fund of a state or county political 34343
party shall make a transfer or a contribution or transfers or 34344
contributions of cash or cash equivalents to a designated state 34345
campaign committee in a primary election period or in a general 34346
election period aggregating more than: 34347

(I) Five hundred thousand dollars to the campaign committee 34348
of any one statewide candidate; 34349

(II) One hundred thousand dollars to the campaign committee 34350
of any one senate candidate; 34351

(III) Fifty thousand dollars to the campaign committee of any 34352
one house candidate. 34353

(ii) No legislative campaign fund shall make a transfer or a 34354
contribution or transfers or contributions of cash or cash 34355
equivalents to a designated state campaign committee aggregating 34356
more than: 34357

(I) Fifty thousand dollars in a primary election period or 34358
one hundred thousand dollars in a general election period to the 34359
campaign committee of any one senate candidate; 34360

(II) Twenty-five thousand dollars in a primary election 34361
period or fifty thousand dollars in a general election period to 34362

the campaign committee of any one house candidate. 34363

(iii) As used in divisions (B)(6)(b) and (C)(6) of this 34364
section, "transfer or contribution of cash or cash equivalents" 34365
does not include any in-kind contributions. 34366

(c) A county political party that has no state candidate fund 34367
and that is located in a county having a population of less than 34368
one hundred fifty thousand may make one or more contributions from 34369
other accounts to any one statewide candidate or to any one 34370
designated state campaign committee that do not exceed, in the 34371
aggregate, two thousand five hundred dollars in any primary 34372
election period or general election period. ~~As used in this 34373
division, "other accounts" does not include an account that 34374
contains the public moneys received from the Ohio political party 34375
fund under section 3517.17 of the Revised Code. 34376~~

(d) No legislative campaign fund shall make a contribution, 34377
other than to a designated state campaign committee or to the 34378
state candidate fund of a political party. 34379

(7)(a) Subject to division (D)(1) of this section, no 34380
political contributing entity shall make a contribution or 34381
contributions aggregating more than: 34382

(i) Ten thousand dollars to the campaign committee of any one 34383
statewide candidate in a primary election period or in a general 34384
election period; 34385

(ii) Ten thousand dollars to the campaign committee of any 34386
one senate candidate in a primary election period or in a general 34387
election period; 34388

(iii) Ten thousand dollars to the campaign committee of any 34389
one house candidate in a primary election period or in a general 34390
election period; 34391

(iv) Fifteen thousand dollars to any one legislative campaign 34392

fund in a calendar year;	34393
(v) Thirty thousand dollars to any one state political party	34394
for the party's state candidate fund in a calendar year;	34395
(vi) Ten thousand dollars to another political contributing	34396
entity or to a political action committee in a calendar year. This	34397
division does not apply to a political contributing entity that	34398
makes a contribution to a political contributing entity or a	34399
political action committee affiliated with it. For purposes of	34400
this division, a political contributing entity is affiliated with	34401
another political contributing entity or with a political action	34402
committee if they are both established, financed, maintained, or	34403
controlled by, or if they are, the same corporation, organization,	34404
labor organization, continuing association, or other person,	34405
including any parent, subsidiary, division, or department of that	34406
corporation, organization, labor organization, continuing	34407
association, or other person.	34408
(b) No political contributing entity shall make a	34409
contribution or contributions to a county political party for the	34410
party's state candidate fund.	34411
(C)(1)(a) Subject to division (D)(1) of this section, no	34412
campaign committee of a statewide candidate shall do any of the	34413
following:	34414
(i) Knowingly accept a contribution or contributions from any	34415
individual who is under seven years of age;	34416
(ii) Accept a contribution or contributions aggregating more	34417
than ten thousand dollars from any one individual who is seven	34418
years of age or older, from any one political action committee,	34419
from any one political contributing entity, or from any one other	34420
campaign committee in a primary election period or in a general	34421
election period;	34422
(iii) Accept a contribution or contributions aggregating more	34423

than two hundred fifty thousand dollars from any one or 34424
combination of state candidate funds of county political parties 34425
in a primary election period or in a general election period. 34426

(b) No campaign committee of a statewide candidate shall 34427
accept a contribution or contributions aggregating more than two 34428
thousand five hundred dollars in a primary election period or in a 34429
general election period from a county political party that has no 34430
state candidate fund and that is located in a county having a 34431
population of less than one hundred fifty thousand. 34432

(2)(a) Subject to division (D)(1) of this section and except 34433
for a designated state campaign committee, no campaign committee 34434
of a senate candidate shall do either of the following: 34435

(i) Knowingly accept a contribution or contributions from any 34436
individual who is under seven years of age; 34437

(ii) Accept a contribution or contributions aggregating more 34438
than ten thousand dollars from any one individual who is seven 34439
years of age or older, from any one political action committee, 34440
from any one political contributing entity, from any one state 34441
candidate fund of a county political party, or from any one other 34442
campaign committee in a primary election period or in a general 34443
election period. 34444

(b) No campaign committee of a senate candidate shall accept 34445
a contribution or contributions aggregating more than two thousand 34446
five hundred dollars in a primary election period or in a general 34447
election period from a county political party that has no state 34448
candidate fund and that is located in a county having a population 34449
of less than one hundred fifty thousand. 34450

(3)(a) Subject to division (D)(1) of this section and except 34451
for a designated state campaign committee, no campaign committee 34452
of a house candidate shall do either of the following: 34453

(i) Knowingly accept a contribution or contributions from any 34454

individual who is under seven years of age; 34455

(ii) Accept a contribution or contributions aggregating more 34456
than ten thousand dollars from any one individual who is seven 34457
years of age or older, from any one political action committee, 34458
from any one political contributing entity, from any one state 34459
candidate fund of a county political party, or from any one other 34460
campaign committee in a primary election period or in a general 34461
election period. 34462

(b) No campaign committee of a house candidate shall accept a 34463
contribution or contributions aggregating more than two thousand 34464
five hundred dollars in a primary election period or in a general 34465
election period from a county political party that has no state 34466
candidate fund and that is located in a county having a population 34467
of less than one hundred fifty thousand. 34468

(4)(a)(i) Subject to division (C)(4)(a)(ii) of this section 34469
and except for a designated state campaign committee, no county 34470
political party shall knowingly accept a contribution or 34471
contributions from any individual who is under seven years of age, 34472
or accept a contribution or contributions for the party's state 34473
candidate fund aggregating more than ten thousand dollars from any 34474
one individual whose designated Ohio residence is located within 34475
that county and who is seven years of age or older or from any one 34476
campaign committee in a calendar year. 34477

(ii) Subject to division (D)(1) of this section, no county 34478
political party shall accept a contribution or contributions for 34479
the party's state candidate fund from any individual whose 34480
designated Ohio residence is located outside of that county and 34481
who is seven years of age or older, from any campaign committee 34482
unless the campaign committee's candidate will appear on a ballot 34483
in that county or unless the campaign committee's candidate is the 34484
holder of an elected public office that represents all or part of 34485
the population of that county at the time the contribution is 34486

accepted, or from any political action committee or any political contributing entity. 34487
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(iii) No county political party shall accept a contribution or contributions from any other county political party. 34489
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(b) Subject to division (D)(1) of this section, no state political party shall do either of the following: 34491
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 34493
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(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 34495
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(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following: 34501
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(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 34503
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(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year. 34505
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(6)(a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than: 34511
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(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate; 34515
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(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;	34517 34518
(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.	34519 34520
(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a legislative campaign fund aggregating more than:	34521 34522 34523
(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate;	34524 34525 34526
(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate.	34527 34528 34529
(c) No campaign committee of a candidate for the office of member of the general assembly, including a designated state campaign committee, shall accept a transfer or contribution of cash or cash equivalents from any one or combination of state candidate funds of county political parties aggregating in a primary election period or a general election period more than:	34530 34531 34532 34533 34534 34535
(i) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;	34536 34537
(ii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.	34538 34539
(7)(a) Subject to division (D)(3) of this section, no political action committee and no political contributing entity shall do either of the following:	34540 34541 34542
(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;	34543 34544
(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven	34545 34546

years of age or older, from any one campaign committee, or from 34547
any one political party in a calendar year. 34548

(b) Subject to division (D)(1) of this section, no political 34549
action committee shall accept a contribution or contributions 34550
aggregating more than ten thousand dollars from another political 34551
action committee or from a political contributing entity in a 34552
calendar year. Subject to division (D)(1) of this section, no 34553
political contributing entity shall accept a contribution or 34554
contributions aggregating more than ten thousand dollars from 34555
another political contributing entity or from a political action 34556
committee in a calendar year. This division does not apply to a 34557
political action committee or political contributing entity that 34558
accepts a contribution from a political action committee or 34559
political contributing entity affiliated with it. For purposes of 34560
this division, a political action committee is affiliated with 34561
another political action committee or with a political 34562
contributing entity if they are both established, financed, 34563
maintained, or controlled by the same corporation, organization, 34564
labor organization, continuing association, or other person, 34565
including any parent, subsidiary, division, or department of that 34566
corporation, organization, labor organization, continuing 34567
association, or other person. 34568

(D)(1)(a) For purposes of the limitations prescribed in 34569
division (B)(2) of this section and the limitations prescribed in 34570
divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, 34571
whichever is applicable, all contributions made by and all 34572
contributions accepted from political action committees that are 34573
established, financed, maintained, or controlled by, or that are, 34574
the same corporation, organization, labor organization, continuing 34575
association, or other person, including any parent, subsidiary, 34576
division, or department of that corporation, organization, labor 34577
organization, continuing association, or other person, are 34578

considered to have been made by or accepted from a single 34579
political action committee. 34580

(b) For purposes of the limitations prescribed in division 34581
(B)(7) of this section and the limitations prescribed in divisions 34582
(C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever 34583
is applicable, all contributions made by and all contributions 34584
accepted from political contributing entities that are 34585
established, financed, maintained, or controlled by, or that are, 34586
the same corporation, organization, labor organization, continuing 34587
association, or other person, including any parent, subsidiary, 34588
division, or department of that corporation, organization, labor 34589
organization, continuing association, or other person, are 34590
considered to have been made by or accepted from a single 34591
political contributing entity. 34592

(2) As used in divisions (B)(1)(a)(vii), (B)(3)(d), 34593
(B)(4)(a), and (C)(7) of this section, "political action 34594
committee" does not include a political action committee that is 34595
organized to support or oppose a ballot issue or question and that 34596
makes no contributions to or expenditures on behalf of a political 34597
party, campaign committee, legislative campaign fund, political 34598
action committee, or political contributing entity. As used in 34599
divisions (B)(1)(a)(viii), (B)(3)(e), (B)(4)(a), and (C)(7) of 34600
this section, "political contributing entity" does not include a 34601
political contributing entity that is organized to support or 34602
oppose a ballot issue or question and that makes no contributions 34603
to or expenditures on behalf of a political party, campaign 34604
committee, legislative campaign fund, political action committee, 34605
or political contributing entity. 34606

(3) For purposes of the limitations prescribed in divisions 34607
(B)(4) and (C)(7)(a) of this section, all contributions made by 34608
and all contributions accepted from a national political party, a 34609
state political party, and a county political party are considered 34610

to have been made by or accepted from a single political party and 34611
shall be combined with each other to determine whether the 34612
limitations have been exceeded. 34613

(E)(1) If a legislative campaign fund has kept a total amount 34614
of contributions exceeding one hundred fifty thousand dollars at 34615
the close of business on the seventh day before the postgeneral 34616
election statement is required to be filed under section 3517.10 34617
of the Revised Code, the legislative campaign fund shall comply 34618
with division (E)(2) of this section. 34619

(2)(a) Any legislative campaign fund that has kept a total 34620
amount of contributions in excess of the amount specified in 34621
division (E)(1) of this section at the close of business on the 34622
seventh day before the postgeneral election statement is required 34623
to be filed under section 3517.10 of the Revised Code shall 34624
dispose of the excess amount in the manner prescribed in division 34625
(E)(2)(b)(i), (ii), or (iii) of this section not later than ninety 34626
days after the day the postgeneral election statement is required 34627
to be filed under section 3517.10 of the Revised Code. Any 34628
legislative campaign fund that is required to dispose of an excess 34629
amount of contributions under this division shall file a statement 34630
on the ninetieth day after the postgeneral election statement is 34631
required to be filed under section 3517.10 of the Revised Code 34632
indicating the total amount of contributions the fund has at the 34633
close of business on the seventh day before the postgeneral 34634
election statement is required to be filed under section 3517.10 34635
of the Revised Code and that the excess contributions were 34636
disposed of pursuant to this division and division (E)(2)(b) of 34637
this section. The statement shall be on a form prescribed by the 34638
secretary of state and shall contain any additional information 34639
the secretary of state considers necessary. 34640

(b) Any legislative campaign fund that is required to dispose 34641
of an excess amount of contributions under division (E)(2) of this 34642

section shall dispose of that excess amount by doing any of the 34643
following: 34644

(i) Giving the amount to the treasurer of state for deposit 34645
into the state treasury to the credit of the Ohio elections 34646
commission fund created by division (I) of section 3517.152 of the 34647
Revised Code; 34648

(ii) Giving the amount to individuals who made contributions 34649
to that legislative campaign fund as a refund of all or part of 34650
their contributions; 34651

(iii) Giving the amount to a corporation that is exempt from 34652
federal income taxation under subsection 501(a) and described in 34653
subsection 501(c) of the Internal Revenue Code. 34654

(F)(1) No legislative campaign fund shall fail to file a 34655
statement required by division (E) of this section. 34656

(2) No legislative campaign fund shall fail to dispose of 34657
excess contributions as required by division (E) of this section. 34658

(G) Nothing in this section shall affect, be used in 34659
determining, or supersede a limitation on campaign contributions 34660
as provided for in the Federal Election Campaign Act. 34661

Sec. 3517.1012. (A)(1) Each state and county political party 34662
shall establish a restricted fund that is separate from all other 34663
accounts of the political party. 34664

(2) A state or county political party shall deposit into its 34665
restricted fund all ~~public moneys received from the Ohio political~~ 34666
~~party fund under section 3517.17 of the Revised Code and all~~ gifts 34667
that are made to or accepted by the political party from a 34668
corporation or labor organization subject to the applicable 34669
limitations prescribed in division (X) of section 3517.13 of the 34670
Revised Code. A state or county political party may deposit into 34671
its restricted fund any gifts that are made to or accepted by the 34672

political party from a source other than a corporation or labor organization. 34673
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(3) Moneys in a state or county political party's restricted fund may be disbursed to pay costs incurred for any of the purposes specified in division (A) of section 3517.18 of the Revised Code. 34675
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(B) Except as otherwise provided in this division, a state or county political party shall file deposit and disbursement statements, in the same manner as the party is required to file statements of contributions and expenditures under section 3517.10 of the Revised Code, regarding all deposits made into, and all disbursements made from, the party's restricted fund. Deposit and disbursement statements filed in accordance with this division by a county political party shall be filed by electronic means of transmission to the office of the secretary of state at the times specified in division (A) of section 3517.10 of the Revised Code for the filing of statements of contributions and expenditures if the county political party accepts gifts from a corporation or labor organization under division (A)(2) of this section. 34679
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Sec. 3517.11. (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds, political action committees or political contributing entities 34692
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that receive contributions or make expenditures in connection with 34704
a statewide ballot issue, political action committees or political 34705
contributing entities that make contributions to other political 34706
action committees or political contributing entities, political 34707
parties, and campaign committees, except as set forth in division 34708
(A)(3) of this section, legislative campaign funds, and state and 34709
national political parties shall file the statements prescribed by 34710
section 3517.10 of the Revised Code with the secretary of state. 34711

(2)(a) Except as otherwise provided in division (F) of 34712
section 3517.106 of the Revised Code, campaign committees of 34713
candidates for all other offices shall file the statements 34714
prescribed by section 3517.10 of the Revised Code with the board 34715
of elections where their candidates are required to file their 34716
petitions or other papers for nomination or election. 34717

(b) A campaign committee of a candidate for office of member 34718
of the general assembly or a campaign committee of a candidate for 34719
the office of judge of a court of appeals shall file two copies of 34720
the printed version of any statement, addendum, or amended 34721
statement if the committee does not file pursuant to division 34722
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 34723
printed version only with the appropriate board of elections. The 34724
board of elections shall send one of those copies by certified 34725
mail or an electronic copy to the secretary of state before the 34726
close of business on the day the board of elections receives the 34727
statement, addendum, or amended statement. 34728

(3) Political action committees or political contributing 34729
entities that only contribute to a county political party, 34730
contribute to campaign committees of candidates whose nomination 34731
or election is to be submitted only to electors within a county, 34732
subdivision, or district, excluding candidates for member of the 34733
general assembly, and receive contributions or make expenditures 34734

in connection with ballot questions or issues to be submitted only 34735
to electors within a county, subdivision, or district shall file 34736
the statements prescribed by section 3517.10 of the Revised Code 34737
with the board of elections in that county or in the county 34738
contained in whole or part within the subdivision or district 34739
having a population greater than that of any other county 34740
contained in whole or part within that subdivision or district, as 34741
the case may be. 34742

(4) Except as otherwise provided in division (E)(3) of 34743
section 3517.106 of the Revised Code with respect to state 34744
candidate funds, county political parties shall file the 34745
statements prescribed by section 3517.10 of the Revised Code with 34746
the board of elections of their respective counties. 34747

(B)(1) The official with whom petitions and other papers for 34748
nomination or election to public office are filed shall furnish 34749
each candidate at the time of that filing a copy of sections 34750
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 34751
3599.031 of the Revised Code and any other materials that the 34752
secretary of state may require. Each candidate receiving the 34753
materials shall acknowledge their receipt in writing. 34754

(2) On or before the tenth day before the dates on which 34755
statements are required to be filed by section 3517.10 of the 34756
Revised Code, the secretary of state shall notify every candidate 34757
subject to the provisions of this section and sections 3517.10 and 34758
3517.106 of the Revised Code of the requirements and applicable 34759
penalties of those sections. The secretary of state shall notify 34760
all candidates required to file those statements with the 34761
secretary of state's office either by certified mail, or, if the 34762
secretary of state has record of an internet identifier of record 34763
associated with the candidate, by ordinary mail and by that 34764
internet identifier of record. The board of elections of every 34765
county shall notify by first class mail any candidate who has 34766

personally appeared at the office of the board on or before the 34767
tenth day before the statements are required to be filed and 34768
signed a form, to be provided by the secretary of state, attesting 34769
that the candidate has been notified of the candidate's 34770
obligations under the campaign finance law. The board shall 34771
forward the completed form to the secretary of state. The board 34772
shall notify all other candidates required to file those 34773
statements with it either by certified mail, or, if the secretary 34774
of state has record of an internet identifier of record associated 34775
with the candidate, by ordinary mail and by that internet 34776
identifier of record. 34777

(3)(a) Any statement required to be filed under sections 34778
3517.081 to ~~3517.17~~ 3517.14 of the Revised Code that is found to 34779
be incomplete or inaccurate by the officer to whom it is submitted 34780
shall be accepted on a conditional basis, and the person who filed 34781
it shall be notified by certified mail as to the incomplete or 34782
inaccurate nature of the statement. The secretary of state may 34783
examine statements filed for candidates for the office of member 34784
of the general assembly and candidates for the office of judge of 34785
a court of appeals for completeness and accuracy. The secretary of 34786
state shall examine for completeness and accuracy statements that 34787
campaign committees of candidates for the office of member of the 34788
general assembly and campaign committees of candidates for the 34789
office of judge of a court of appeals file pursuant to division 34790
(F) or (L) of section 3517.106 of the Revised Code. If an officer 34791
at the board of elections where a statement filed for a candidate 34792
for the office of member of the general assembly or for a 34793
candidate for the office of judge of a court of appeals was 34794
submitted finds the statement to be incomplete or inaccurate, the 34795
officer shall immediately notify the secretary of state of its 34796
incomplete or inaccurate nature. If either an officer at the board 34797
of elections or the secretary of state finds a statement filed for 34798
a candidate for the office of member of the general assembly or 34799

for a candidate for the office of judge of a court of appeals to 34800
be incomplete or inaccurate, only the secretary of state shall 34801
send the notification as to the incomplete or inaccurate nature of 34802
the statement. 34803

Within twenty-one days after receipt of the notice, in the 34804
case of a pre-election statement, a postelection statement, a 34805
monthly statement, an annual statement, or a semiannual statement 34806
prescribed by section 3517.10, an annual statement prescribed by 34807
section 3517.101, or a statement prescribed by division (B)(2)(b) 34808
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 34809
Revised Code, the recipient shall file an addendum, amendment, or 34810
other correction to the statement providing the information 34811
necessary to complete or correct the statement. The secretary of 34812
state may require that, in lieu of filing an addendum, amendment, 34813
or other correction to a statement that is filed by electronic 34814
means of transmission to the office of the secretary of state 34815
pursuant to section 3517.106 of the Revised Code, the recipient of 34816
the notice described in this division file by electronic means of 34817
transmission an amended statement that incorporates the 34818
information necessary to complete or correct the statement. 34819

The secretary of state shall determine by rule when an 34820
addendum, amendment, or other correction to any of the following 34821
or when an amended statement of any of the following shall be 34822
filed: 34823

(i) A two-business-day statement prescribed by section 34824
3517.10 of the Revised Code; 34825

(ii) A disclosure of electioneering communications statement 34826
prescribed by division (D) of section 3517.1011 of the Revised 34827
Code; 34828

(iii) A deposit and disbursement statement prescribed under 34829
division (B) of section 3517.1012 of the Revised Code; 34830

(iv) A gift and disbursement statement prescribed under 34831
section 3517.1013 of the Revised Code; 34832

(v) A donation and disbursement statement prescribed under 34833
section 3517.1014 of the Revised Code. 34834

An addendum, amendment, or other correction to a statement 34835
that is filed by electronic means of transmission pursuant to 34836
section 3517.106 of the Revised Code shall be filed in the same 34837
manner as the statement. 34838

The provisions of sections 3517.10, 3517.106, 3517.1011, 34839
3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining 34840
to the filing of statements of contributions and expenditures, 34841
statements of independent expenditures, disclosure of 34842
electioneering communications statements, deposit and disbursement 34843
statements, gift and disbursement statements, and donation and 34844
disbursement statements by electronic means of transmission apply 34845
to the filing of addenda, amendments, or other corrections to 34846
those statements by electronic means of transmission and the 34847
filing of amended statements by electronic means of transmission. 34848

(b) Within five business days after the secretary of state 34849
receives, by electronic or other means of transmission, an 34850
addendum, amendment, or other correction to a statement or an 34851
amended statement under division (B)(3)(a) of this section, the 34852
secretary of state, pursuant to divisions (E), (F), (G), and (I) 34853
of section 3517.106 or division (D) of section 3517.1011 of the 34854
Revised Code, shall make the contribution and expenditure, 34855
contribution and disbursement, deposit and disbursement, gift and 34856
disbursement, or donation and disbursement information in that 34857
addendum, amendment, correction, or amended statement available 34858
online to the public through the internet. 34859

(4)(a) The secretary of state or the board of elections shall 34860
examine all statements for compliance with sections 3517.08 to 34861

~~3517.17~~ 3517.14 of the Revised Code. 34862

(b) The secretary of state may contract with an individual or 34863
entity not associated with the secretary of state and experienced 34864
in interpreting the campaign finance law of this state to conduct 34865
examinations of statements filed by any statewide candidate, as 34866
defined in section 3517.103 of the Revised Code. 34867

(c) The examination shall be conducted by a person or entity 34868
qualified to conduct it. The results of the examination shall be 34869
available to the public, and, when the examination is conducted by 34870
an individual or entity not associated with the secretary of 34871
state, the results of the examination shall be reported to the 34872
secretary of state. 34873

(C)(1) In the event of a failure to file or a late filing of 34874
a statement required to be filed under sections 3517.081 to 34875
~~3517.17~~ 3517.14 of the Revised Code, or if a filed statement or 34876
any addendum, amendment, or other correction to a statement or any 34877
amended statement, if an addendum, amendment, or other correction 34878
or an amended statement is required to be filed, is incomplete or 34879
inaccurate or appears to disclose a failure to comply with or a 34880
violation of law, the official whose duty it is to examine the 34881
statement shall promptly file a complaint with the Ohio elections 34882
commission under section 3517.153 of the Revised Code if the law 34883
is one over which the commission has jurisdiction to hear 34884
complaints, or the official shall promptly report the failure or 34885
violation to the board of elections and the board shall promptly 34886
report it to the prosecuting attorney in accordance with division 34887
(J) of section 3501.11 of the Revised Code. If the official files 34888
a complaint with the commission, the commission shall proceed in 34889
accordance with sections 3517.154 to 3517.157 of the Revised Code. 34890

(2) For purposes of division (C)(1) of this section, a 34891
statement or an addendum, amendment, or other correction to a 34892
statement or an amended statement required to be filed under 34893

sections 3517.081 to ~~3517.17~~ 3517.14 of the Revised Code is 34894
incomplete or inaccurate under this section if the statement, 34895
addendum, amendment, other correction, or amended statement fails 34896
to disclose substantially all contributions, gifts, or donations 34897
that are received or deposits that are made that are required to 34898
be reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 34899
3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the 34900
statement, addendum, amendment, other correction, or amended 34901
statement fails to disclose at least ninety per cent of the total 34902
contributions, gifts, or donations received or deposits made or of 34903
the total expenditures or disbursements made during the reporting 34904
period. 34905

(D) No certificate of nomination or election shall be issued 34906
to a person, and no person elected to an office shall enter upon 34907
the performance of the duties of that office, until that person or 34908
that person's campaign committee, as appropriate, has fully 34909
complied with this section and sections 3517.08, 3517.081, 34910
3517.10, and 3517.13 of the Revised Code. 34911

Sec. 3517.13. (A)(1) No campaign committee of a statewide 34912
candidate shall fail to file a complete and accurate statement 34913
required under division (A)(1) of section 3517.10 of the Revised 34914
Code. 34915

(2) No campaign committee of a statewide candidate shall fail 34916
to file a complete and accurate monthly statement, and no campaign 34917
committee of a statewide candidate or a candidate for the office 34918
of chief justice or justice of the supreme court shall fail to 34919
file a complete and accurate two-business-day statement, as 34920
required under section 3517.10 of the Revised Code. 34921

As used in this division, "statewide candidate" has the same 34922
meaning as in division (F)(2) of section 3517.10 of the Revised 34923
Code. 34924

(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and ~~3517.17~~ of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other

unincorporated business and the name of the partner or owner 34955
making the contribution as required under division (I) of section 34956
3517.10 of the Revised Code. 34957

(ii) A person makes a contribution in that person's spouse's 34958
name or in both of their names. 34959

(H) No person within this state, publishing a newspaper or 34960
other periodical, shall charge a campaign committee for political 34961
advertising a rate in excess of the rate such person would charge 34962
if the campaign committee were a general rate advertiser whose 34963
advertising was directed to promoting its business within the same 34964
area as that encompassed by the particular office that the 34965
candidate of the campaign committee is seeking. The rate shall 34966
take into account the amount of space used, as well as the type of 34967
advertising copy submitted by or on behalf of the campaign 34968
committee. All discount privileges otherwise offered by a 34969
newspaper or periodical to general rate advertisers shall be 34970
available upon equal terms to all campaign committees. 34971

No person within this state, operating a radio or television 34972
station or network of stations in this state, shall charge a 34973
campaign committee for political broadcasts a rate that exceeds: 34974

(1) During the forty-five days preceding the date of a 34975
primary election and during the sixty days preceding the date of a 34976
general or special election in which the candidate of the campaign 34977
committee is seeking office, the lowest unit charge of the station 34978
for the same class and amount of time for the same period; 34979

(2) At any other time, the charges made for comparable use of 34980
that station by its other users. 34981

(I) Subject to divisions (K), (L), (M), and (N) of this 34982
section, no agency or department of this state or any political 34983
subdivision shall award any contract, other than one let by 34984
competitive bidding or a contract incidental to such contract or 34985

which is by force account, for the purchase of goods costing more 34986
than five hundred dollars or services costing more than five 34987
hundred dollars to any individual, partnership, association, 34988
including, without limitation, a professional association 34989
organized under Chapter 1785. of the Revised Code, estate, or 34990
trust if the individual has made or the individual's spouse has 34991
made, or any partner, shareholder, administrator, executor, or 34992
trustee or the spouse of any of them has made, as an individual, 34993
within the two previous calendar years, one or more contributions 34994
totaling in excess of one thousand dollars to the holder of the 34995
public office having ultimate responsibility for the award of the 34996
contract or to the public officer's campaign committee. 34997

(J) Subject to divisions (K), (L), (M), and (N) of this 34998
section, no agency or department of this state or any political 34999
subdivision shall award any contract, other than one let by 35000
competitive bidding or a contract incidental to such contract or 35001
which is by force account, for the purchase of goods costing more 35002
than five hundred dollars or services costing more than five 35003
hundred dollars to a corporation or business trust, except a 35004
professional association organized under Chapter 1785. of the 35005
Revised Code, if an owner of more than twenty per cent of the 35006
corporation or business trust or the spouse of that person has 35007
made, as an individual, within the two previous calendar years, 35008
taking into consideration only owners for all of that period, one 35009
or more contributions totaling in excess of one thousand dollars 35010
to the holder of a public office having ultimate responsibility 35011
for the award of the contract or to the public officer's campaign 35012
committee. 35013

(K) For purposes of divisions (I) and (J) of this section, if 35014
a public officer who is responsible for the award of a contract is 35015
appointed by the governor, whether or not the appointment is 35016
subject to the advice and consent of the senate, excluding members 35017

of boards, commissions, committees, authorities, councils, boards 35018
of trustees, task forces, and other such entities appointed by the 35019
governor, the office of the governor is considered to have 35020
ultimate responsibility for the award of the contract. 35021

(L) For purposes of divisions (I) and (J) of this section, if 35022
a public officer who is responsible for the award of a contract is 35023
appointed by the elected chief executive officer of a municipal 35024
corporation, or appointed by the elected chief executive officer 35025
of a county operating under an alternative form of county 35026
government or county charter, excluding members of boards, 35027
commissions, committees, authorities, councils, boards of 35028
trustees, task forces, and other such entities appointed by the 35029
chief executive officer, the office of the chief executive officer 35030
is considered to have ultimate responsibility for the award of the 35031
contract. 35032

(M)(1) Divisions (I) and (J) of this section do not apply to 35033
contracts awarded by the board of commissioners of the sinking 35034
fund, municipal legislative authorities, boards of education, 35035
boards of county commissioners, boards of township trustees, or 35036
other boards, commissions, committees, authorities, councils, 35037
boards of trustees, task forces, and other such entities created 35038
by law, by the supreme court or courts of appeals, by county 35039
courts consisting of more than one judge, courts of common pleas 35040
consisting of more than one judge, or municipal courts consisting 35041
of more than one judge, or by a division of any court if the 35042
division consists of more than one judge. This division shall 35043
apply to the specified entity only if the members of the entity 35044
act collectively in the award of a contract for goods or services. 35045

(2) Divisions (I) and (J) of this section do not apply to 35046
actions of the controlling board. 35047

(N)(1) Divisions (I) and (J) of this section apply to 35048
contributions made to the holder of a public office having 35049

ultimate responsibility for the award of a contract, or to the 35050
public officer's campaign committee, during the time the person 35051
holds the office and during any time such person was a candidate 35052
for the office. Those divisions do not apply to contributions made 35053
to, or to the campaign committee of, a candidate for or holder of 35054
the office other than the holder of the office at the time of the 35055
award of the contract. 35056

(2) Divisions (I) and (J) of this section do not apply to 35057
contributions of a partner, shareholder, administrator, executor, 35058
trustee, or owner of more than twenty per cent of a corporation or 35059
business trust made before the person held any of those positions 35060
or after the person ceased to hold any of those positions in the 35061
partnership, association, estate, trust, corporation, or business 35062
trust whose eligibility to be awarded a contract is being 35063
determined, nor to contributions of the person's spouse made 35064
before the person held any of those positions, after the person 35065
ceased to hold any of those positions, before the two were 35066
married, after the granting of a decree of divorce, dissolution of 35067
marriage, or annulment, or after the granting of an order in an 35068
action brought solely for legal separation. Those divisions do not 35069
apply to contributions of the spouse of an individual whose 35070
eligibility to be awarded a contract is being determined made 35071
before the two were married, after the granting of a decree of 35072
divorce, dissolution of marriage, or annulment, or after the 35073
granting of an order in an action brought solely for legal 35074
separation. 35075

(O) No beneficiary of a campaign fund or other person shall 35076
convert for personal use, and no person shall knowingly give to a 35077
beneficiary of a campaign fund or any other person, for the 35078
beneficiary's or any other person's personal use, anything of 35079
value from the beneficiary's campaign fund, including, without 35080
limitation, payments to a beneficiary for services the beneficiary 35081

personally performs, except as reimbursement for any of the	35082
following:	35083
(1) Legitimate and verifiable prior campaign expenses	35084
incurred by the beneficiary;	35085
(2) Legitimate and verifiable ordinary and necessary prior	35086
expenses incurred by the beneficiary in connection with duties as	35087
the holder of a public office, including, without limitation,	35088
expenses incurred through participation in nonpartisan or	35089
bipartisan events if the participation of the holder of a public	35090
office would normally be expected;	35091
(3) Legitimate and verifiable ordinary and necessary prior	35092
expenses incurred by the beneficiary while doing any of the	35093
following:	35094
(a) Engaging in activities in support of or opposition to a	35095
candidate other than the beneficiary, political party, or ballot	35096
issue;	35097
(b) Raising funds for a political party, political action	35098
committee, political contributing entity, legislative campaign	35099
fund, campaign committee, or other candidate;	35100
(c) Participating in the activities of a political party,	35101
political action committee, political contributing entity,	35102
legislative campaign fund, or campaign committee;	35103
(d) Attending a political party convention or other political	35104
meeting.	35105
For purposes of this division, an expense is incurred	35106
whenever a beneficiary has either made payment or is obligated to	35107
make payment, as by the use of a credit card or other credit	35108
procedure or by the use of goods or services received on account.	35109
(P) No beneficiary of a campaign fund shall knowingly accept,	35110
and no person shall knowingly give to the beneficiary of a	35111

campaign fund, reimbursement for an expense under division (O) of 35112
this section to the extent that the expense previously was 35113
reimbursed or paid from another source of funds. If an expense is 35114
reimbursed under division (O) of this section and is later paid or 35115
reimbursed, wholly or in part, from another source of funds, the 35116
beneficiary shall repay the reimbursement received under division 35117
(O) of this section to the extent of the payment made or 35118
reimbursement received from the other source. 35119

(Q) No candidate or public official or employee shall accept 35120
for personal or business use anything of value from a political 35121
party, political action committee, political contributing entity, 35122
legislative campaign fund, or campaign committee other than the 35123
candidate's or public official's or employee's own campaign 35124
committee, and no person shall knowingly give to a candidate or 35125
public official or employee anything of value from a political 35126
party, political action committee, political contributing entity, 35127
legislative campaign fund, or such a campaign committee, except 35128
for the following: 35129

(1) Reimbursement for legitimate and verifiable ordinary and 35130
necessary prior expenses not otherwise prohibited by law incurred 35131
by the candidate or public official or employee while engaged in 35132
any legitimate activity of the political party, political action 35133
committee, political contributing entity, legislative campaign 35134
fund, or such campaign committee. Without limitation, reimbursable 35135
expenses under this division include those incurred while doing 35136
any of the following: 35137

(a) Engaging in activities in support of or opposition to 35138
another candidate, political party, or ballot issue; 35139

(b) Raising funds for a political party, legislative campaign 35140
fund, campaign committee, or another candidate; 35141

(c) Attending a political party convention or other political 35142

meeting. 35143

(2) Compensation not otherwise prohibited by law for actual 35144
and valuable personal services rendered under a written contract 35145
to the political party, political action committee, political 35146
contributing entity, legislative campaign fund, or such campaign 35147
committee for any legitimate activity of the political party, 35148
political action committee, political contributing entity, 35149
legislative campaign fund, or such campaign committee. 35150

Reimbursable expenses under this division do not include, and 35151
it is a violation of this division for a candidate or public 35152
official or employee to accept, or for any person to knowingly 35153
give to a candidate or public official or employee from a 35154
political party, political action committee, political 35155
contributing entity, legislative campaign fund, or campaign 35156
committee other than the candidate's or public official's or 35157
employee's own campaign committee, anything of value for 35158
activities primarily related to the candidate's or public 35159
official's or employee's own campaign for election, except for 35160
contributions to the candidate's or public official's or 35161
employee's campaign committee. 35162

For purposes of this division, an expense is incurred 35163
whenever a candidate or public official or employee has either 35164
made payment or is obligated to make payment, as by the use of a 35165
credit card or other credit procedure, or by the use of goods or 35166
services on account. 35167

(R)(1) Division (O) or (P) of this section does not prohibit 35168
a campaign committee from making direct advance or post payment 35169
from contributions to vendors for goods and services for which 35170
reimbursement is permitted under division (O) of this section, 35171
except that no campaign committee shall pay its candidate or other 35172
beneficiary for services personally performed by the candidate or 35173
other beneficiary. 35174

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.

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

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of 35206
section 3517.102 of the Revised Code, a state or county political 35207
party shall not disburse moneys from any account other than a 35208
state candidate fund to make contributions to any of the 35209
following: 35210

(a) A state candidate fund; 35211

(b) A legislative campaign fund; 35212

(c) A campaign committee of a candidate for the office of 35213
governor, lieutenant governor, secretary of state, auditor of 35214
state, treasurer of state, attorney general, member of the state 35215
board of education, or member of the general assembly. 35216

(2) No state candidate fund, legislative campaign fund, or 35217
campaign committee of a candidate for any office described in 35218
division (T)(1)(c) of this section shall knowingly accept a 35219
contribution in violation of division (T)(1) of this section. 35220

(U) No person shall fail to file a statement required under 35221
section 3517.12 of the Revised Code. 35222

(V) No campaign committee shall fail to file a statement 35223
required under division (K)(3) of section 3517.10 of the Revised 35224
Code. 35225

(W)(1) No foreign national shall, directly or indirectly 35226
through any other person or entity, make a contribution, 35227
expenditure, or independent expenditure or promise, either 35228
expressly or implicitly, to make a contribution, expenditure, or 35229
independent expenditure in support of or opposition to a candidate 35230
for any elective office in this state, including an office of a 35231
political party. 35232

(2) No candidate, campaign committee, political action 35233
committee, political contributing entity, legislative campaign 35234
fund, state candidate fund, political party, or separate 35235

segregated fund shall solicit or accept a contribution, 35236
expenditure, or independent expenditure from a foreign national. 35237
The secretary of state may direct any candidate, committee, 35238
entity, fund, or party that accepts a contribution, expenditure, 35239
or independent expenditure in violation of this division to return 35240
the contribution, expenditure, or independent expenditure or, if 35241
it is not possible to return the contribution, expenditure, or 35242
independent expenditure, then to return instead the value of it, 35243
to the contributor. 35244

(3) As used in division (W) of this section, "foreign 35245
national" has the same meaning as in section 441e(b) of the 35246
Federal Election Campaign Act. 35247

(X)(1) No state or county political party shall transfer any 35248
moneys from its restricted fund to any account of the political 35249
party into which contributions may be made or from which 35250
contributions or expenditures may be made. 35251

(2)(a) No state or county political party shall deposit a 35252
contribution or contributions that it receives into its restricted 35253
fund. 35254

(b) No state or county political party shall make a 35255
contribution or an expenditure from its restricted fund. 35256

(3)(a) No corporation or labor organization shall make a gift 35257
or gifts from the corporation's or labor organization's money or 35258
property aggregating more than ten thousand dollars to any one 35259
state or county political party for the party's restricted fund in 35260
a calendar year. 35261

(b) No state or county political party shall accept a gift or 35262
gifts for the party's restricted fund aggregating more than ten 35263
thousand dollars from any one corporation or labor organization in 35264
a calendar year. 35265

(4) No state or county political party shall transfer any 35266

moneys in the party's restricted fund to any other state or county 35267
political party. 35268

(5) No state or county political party shall knowingly fail 35269
to file a statement required under section 3517.1012 of the 35270
Revised Code. 35271

(Y) The administrator of workers' compensation and the 35272
employees of the bureau of workers' compensation shall not conduct 35273
any business with or award any contract, other than one awarded by 35274
competitive bidding, for the purchase of goods costing more than 35275
five hundred dollars or services costing more than five hundred 35276
dollars to any individual, partnership, association, including, 35277
without limitation, a professional association organized under 35278
Chapter 1785. of the Revised Code, estate, or trust, if the 35279
individual has made, or the individual's spouse has made, or any 35280
partner, shareholder, administrator, executor, or trustee, or the 35281
spouses of any of those individuals has made, as an individual, 35282
within the two previous calendar years, one or more contributions 35283
totaling in excess of one thousand dollars to the campaign 35284
committee of the governor or lieutenant governor or to the 35285
campaign committee of any candidate for the office of governor or 35286
lieutenant governor. 35287

(Z) The administrator of workers' compensation and the 35288
employees of the bureau of workers' compensation shall not conduct 35289
business with or award any contract, other than one awarded by 35290
competitive bidding, for the purchase of goods costing more than 35291
five hundred dollars or services costing more than five hundred 35292
dollars to a corporation or business trust, except a professional 35293
association organized under Chapter 1785. of the Revised Code, if 35294
an owner of more than twenty per cent of the corporation or 35295
business trust, or the spouse of the owner, has made, as an 35296
individual, within the two previous calendar years, taking into 35297
consideration only owners for all of such period, one or more 35298

contributions totaling in excess of one thousand dollars to the 35299
campaign committee of the governor or lieutenant governor or to 35300
the campaign committee of any candidate for the office of governor 35301
or lieutenant governor. 35302

Sec. 3517.153. (A) Upon the filing of a complaint with the 35303
Ohio elections commission, which shall be made by affidavit of any 35304
person, on personal knowledge, and subject to the penalties for 35305
perjury, or upon the filing of a complaint made by the secretary 35306
of state or an official at the board of elections, setting forth a 35307
failure to comply with or a violation of any provision in sections 35308
3517.08 to 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, 35309
or 3599.031 of the Revised Code, the commission shall proceed in 35310
accordance with sections 3517.154 to 3517.157 of the Revised Code. 35311

(B) The commission shall prescribe the form for complaints 35312
made under division (A) of this section. The secretary of state 35313
and boards of elections shall furnish the information that the 35314
commission requests. The commission or a member of the commission 35315
may administer oaths, and the commission may issue subpoenas to 35316
any person in the state compelling the attendance of witnesses and 35317
the production of relevant papers, books, accounts, and reports. 35318
Section 101.42 of the Revised Code governs the issuance of 35319
subpoenas insofar as applicable. Upon the refusal of any person to 35320
obey a subpoena or to be sworn or to answer as a witness, the 35321
commission may apply to the court of common pleas of Franklin 35322
county under section 2705.03 of the Revised Code. The court shall 35323
hold proceedings in accordance with Chapter 2705. of the Revised 35324
Code. 35325

(C) No prosecution shall commence for a violation of a 35326
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 35327
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 35328
unless a complaint has been filed with the commission under this 35329

section and all proceedings of the commission or a panel of the 35330
commission, as appropriate, under sections 3517.154 to 3517.157 of 35331
the Revised Code are completed. 35332

(D) The commission may recommend legislation and render 35333
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 35334
3517.102, 3517.105, 3517.1014, 3517.13, ~~3517.18~~, 3517.20 to 35335
3517.22, 3599.03, and 3599.031 of the Revised Code for persons 35336
over whose acts it has or may have jurisdiction. When the 35337
commission renders an advisory opinion relating to a specific set 35338
of circumstances involving any of those sections stating that 35339
there is no violation of a provision in those sections, the person 35340
to whom the opinion is directed or a person who is similarly 35341
situated may reasonably rely on the opinion and is immune from 35342
criminal prosecution and a civil action, including, without 35343
limitation, a civil action for removal from public office or 35344
employment, based on facts and circumstances covered by the 35345
opinion. 35346

(E) The commission shall establish a web site on which it 35347
shall post, at a minimum, all decisions and advisory opinions 35348
issued by the commission and copies of each election law as it is 35349
amended by the general assembly. The commission shall update the 35350
web site regularly to reflect any changes to those decisions and 35351
advisory opinions and any new decisions and advisory opinions. 35352

Sec. 3517.23. The secretary of state shall adopt rules in 35353
accordance with Chapter 119. of the Revised Code that are 35354
necessary for the administration and enforcement of sections 35355
3517.08 to 3517.13, 3517.18, 3517.20 to 3517.22, 3599.03, and 35356
3599.031 of the Revised Code and shall provide each candidate, 35357
political action committee, political contributing entity, 35358
legislative campaign fund, political party, and person making 35359
disbursements to pay the direct costs of producing or airing 35360

electioneering communications with written instructions and 35361
explanations in order to ensure compliance with sections 3517.08 35362
to 3517.13, ~~3517.17, 3517.18,~~ 3517.20 to 3517.22, 3599.03, and 35363
3599.031 of the Revised Code. 35364

Sec. 3517.99. This section establishes penalties only with 35365
respect to acts or failures to act that occur before ~~the effective~~ 35366
~~date of this amendment~~ August 24, 1995. 35367

(A) Any candidate whose campaign committee violates division 35368
(A)(1) or (2) of section 3517.13 of the Revised Code shall be 35369
fined one thousand dollars for each day of violation. 35370

(B) Any candidate whose campaign committee violates division 35371
(B) of section 3517.13 of the Revised Code, any political party 35372
that violates division (F)(1) of section 3517.101 of the Revised 35373
Code, or any person who violates division (E) of section 3517.13 35374
of the Revised Code shall be fined one hundred dollars for each 35375
day of violation. 35376

(C) Any candidate whose campaign committee violates division 35377
(C) or (D) of section 3517.13 of the Revised Code shall be fined 35378
twenty-five dollars for each day of violation. 35379

(D) Whoever violates division (F)(2) of section 3517.101 or 35380
division (G) of section 3517.13 of the Revised Code shall be fined 35381
not more than ten thousand dollars, or if the offender is a person 35382
who was nominated or elected to public office, the offender shall 35383
forfeit the nomination or the office to which the offender was 35384
nominated, elected, or both. 35385

(E) Whoever violates division (F) of section 3517.13 of the 35386
Revised Code shall be fined an amount equal to three times the 35387
amount contributed. 35388

(F) Whoever violates division (H) of section 3517.13 of the 35389
Revised Code is guilty of a minor misdemeanor. 35390

(G) Whoever violates division (O), (P), or (Q) of section 3517.13 of the Revised Code is guilty of a misdemeanor of the first degree. 35391
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(H) Any state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code as that section existed before its repeal by H.B. 166 of the 133rd general assembly shall be fined an amount equal to twice the amount of the improper expenditure. 35394
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(I) Any state or county political party that violates division (G) of section 3517.101 of the Revised Code shall be fined an amount equal to twice the amount of the improper expenditure or use. 35399
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(J)(1) Any individual who violates division (B)(1) of section 3517.102 of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35403
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(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35408
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(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35412
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(4) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code, and any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of that section, shall be fined an amount equal to three times the amount transferred or contributed in excess of the 35416
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amount permitted by those divisions, as applicable. 35422

(5) A political party that violates division (B)(4) of 35423
section 3517.102 of the Revised Code shall be fined an amount 35424
equal to three times the amount contributed in excess of the 35425
amount permitted by that division. 35426

(6) Notwithstanding divisions (J)(1), (2), (3), (4), and (5) 35427
of this section, no fine shall be imposed if the excess amount 35428
contributed meets either of the following conditions: 35429

(a) It is completely refunded within five business days after 35430
it is accepted. 35431

(b) It is less than or equal to the amount permitted under 35432
division (B)(1), (2), (3), (4), (5), or (6) of section 3517.102 of 35433
the Revised Code, whichever is applicable, and the excess is 35434
completely refunded within ten business days after notification to 35435
the recipient of the contribution by the board of elections or the 35436
secretary of state that a contribution in excess of the permitted 35437
amount has been received. 35438

(K)(1) Any campaign committee that violates division (C)(1), 35439
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 35440
fined an amount equal to three times the amount accepted in excess 35441
of the amount permitted by that division. 35442

(2) Any state or county political party that violates 35443
division (C)(4) of section 3517.102 of the Revised Code shall be 35444
fined an amount from its state candidate fund equal to three times 35445
the amount accepted in excess of the amount permitted by that 35446
division. 35447

(3) Any legislative campaign fund that violates division 35448
(C)(5) of section 3517.102 of the Revised Code shall be fined an 35449
amount equal to three times the amount accepted in excess of the 35450
amount permitted by that division. 35451

(4) Any political action committee that violates division 35452
(C)(7) of section 3517.102 of the Revised Code shall be fined an 35453
amount equal to three times the amount accepted in excess of the 35454
amount permitted by that division. 35455

(5) Notwithstanding divisions (K)(1), (2), (3), and (4) of 35456
this section, no fine shall be imposed if the excess accepted 35457
meets either of the following conditions: 35458

(a) It is completely refunded within five business days after 35459
its acceptance. 35460

(b) It is less than or equal to the amount permitted under 35461
division (C)(1), (2), (3), (4), (5), (6), or (7) of section 35462
3517.102 of the Revised Code, whichever is applicable, and the 35463
excess is completely refunded within ten business days after 35464
notification to the recipient of the contribution by the board of 35465
elections or the secretary of state that a contribution in excess 35466
of the permitted amount has been received. 35467

(L)(1) Any legislative campaign fund that violates division 35468
(F)(1) of section 3517.102 of the Revised Code shall be fined 35469
twenty-five dollars for each day of violation. 35470

(2) Any legislative campaign fund that violates division 35471
(F)(2) of section 3517.102 of the Revised Code shall give to the 35472
treasurer of state for deposit into the state treasury to the 35473
credit of the Ohio elections commission fund all excess 35474
contributions not disposed of as required by division (E) of 35475
section 3517.102 of the Revised Code. 35476

(M) Whoever violates section 3517.105 of the Revised Code 35477
shall be fined one thousand dollars. 35478

(N)(1) Whoever solicits a contribution in violation of 35479
section 3517.092 or violates division (B) of section 3517.09 of 35480
the Revised Code is guilty of a misdemeanor of the first degree. 35481

(2) Whoever knowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall be fined an amount equal to three times the amount accepted in violation of either of those divisions and shall return to the contributor any amount so accepted. Whoever unknowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall return to the contributor any amount so accepted.

(O) Whoever violates division (S) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount of funds transferred or three times the value of the assets transferred in violation of that division.

(P) Any campaign committee that accepts a contribution or contributions in violation of section 3517.108 of the Revised Code, uses a contribution in violation of that section, or fails to dispose of excess contributions in violation of that section shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that section.

(Q) Any political party, state candidate fund, legislative candidate fund, or campaign committee that violates division (T) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed or accepted in violation of that section.

(R) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(S) Any campaign committee that fails to dispose of contributions under divisions (B) and (C) of section 3517.109 of the Revised Code shall give to the treasurer of state for deposit to the credit of the Ohio elections commission fund created under

division (E)(2) of section 3517.102 of the Revised Code all 35513
contributions not disposed of pursuant to those divisions. 35514

Sec. 3517.992. This section establishes penalties only with 35515
respect to acts or failures to act that occur on and after August 35516
24, 1995. 35517

(A)(1) A candidate whose campaign committee violates division 35518
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 35519
or a treasurer of a campaign committee who violates any of those 35520
divisions, shall be fined not more than one hundred dollars for 35521
each day of violation. 35522

(2) Whoever violates division (E) or (X)(5) of section 35523
3517.13 or division (E)(1) of section 3517.1014 of the Revised 35524
Code shall be fined not more than one hundred dollars for each day 35525
of violation. 35526

(B) An entity that violates division (G)(1) of section 35527
3517.101 of the Revised Code shall be fined not more than one 35528
hundred dollars for each day of violation. 35529

(C) Whoever violates division (G)(2) of section 3517.101, 35530
division (G) of section 3517.13, or division (E)(2) or (3) of 35531
section 3517.1014 of the Revised Code shall be fined not more than 35532
ten thousand dollars or, if the offender is a person who was 35533
nominated or elected to public office, shall forfeit the 35534
nomination or the office to which the offender was elected, or 35535
both. 35536

(D) Whoever violates division (F) of section 3517.13 of the 35537
Revised Code shall be fined not more than three times the amount 35538
contributed. 35539

(E) Whoever violates division (H) of section 3517.13 of the 35540
Revised Code shall be fined not more than one hundred dollars. 35541

(F) Whoever violates division (O), (P), or (Q) of section 35542

3517.13 of the Revised Code is guilty of a misdemeanor of the first degree. 35543
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(G) A state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code as that section existed before its repeal by H.B. 166 of the 133rd general assembly shall be fined not more than twice the amount of the improper expenditure. 35545
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(H) An entity that violates division (H) of section 3517.101 of the Revised Code shall be fined not more than twice the amount of the improper expenditure or use. 35550
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(I)(1) Any individual who violates division (B)(1) of section 3517.102 of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35553
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(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35558
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(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35562
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(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable. 35566
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(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times 35570
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the amount transferred or contributed in excess of the amount 35574
permitted by that division, as applicable. 35575

(c) Any political contributing entity that violates division 35576
(B)(7) of section 3517.102 of the Revised Code shall be fined an 35577
amount equal to three times the amount contributed in excess of 35578
the amount permitted by that division. 35579

(5) Any political party that violates division (B)(4) of 35580
section 3517.102 of the Revised Code shall be fined an amount 35581
equal to three times the amount contributed in excess of the 35582
amount permitted by that division. 35583

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 35584
of this section, no violation of division (B) of section 3517.102 35585
of the Revised Code occurs, and the secretary of state shall not 35586
refer parties to the Ohio elections commission, if the amount 35587
transferred or contributed in excess of the amount permitted by 35588
that division meets either of the following conditions: 35589

(a) It is completely refunded within five business days after 35590
it is accepted. 35591

(b) It is completely refunded on or before the tenth business 35592
day after notification to the recipient of the excess transfer or 35593
contribution by the board of elections or the secretary of state 35594
that a transfer or contribution in excess of the permitted amount 35595
has been received. 35596

(J)(1) Any campaign committee that violates division (C)(1), 35597
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 35598
fined an amount equal to three times the amount accepted in excess 35599
of the amount permitted by that division. 35600

(2)(a) Any county political party that violates division 35601
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 35602
shall be fined an amount equal to three times the amount accepted. 35603

(b) Any county political party that violates division 35604
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 35605
fined an amount from its state candidate fund equal to three times 35606
the amount accepted in excess of the amount permitted by that 35607
division. 35608

(c) Any state political party that violates division 35609
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 35610
an amount from its state candidate fund equal to three times the 35611
amount accepted in excess of the amount permitted by that 35612
division. 35613

(3) Any legislative campaign fund that violates division 35614
(C)(5) of section 3517.102 of the Revised Code shall be fined an 35615
amount equal to three times the amount accepted in excess of the 35616
amount permitted by that division. 35617

(4) Any political action committee or political contributing 35618
entity that violates division (C)(7) of section 3517.102 of the 35619
Revised Code shall be fined an amount equal to three times the 35620
amount accepted in excess of the amount permitted by that 35621
division. 35622

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 35623
this section, no violation of division (C) of section 3517.102 of 35624
the Revised Code occurs, and the secretary of state shall not 35625
refer parties to the Ohio elections commission, if the amount 35626
transferred or contributed in excess of the amount permitted to be 35627
accepted by that division meets either of the following 35628
conditions: 35629

(a) It is completely refunded within five business days after 35630
its acceptance. 35631

(b) It is completely refunded on or before the tenth business 35632
day after notification to the recipient of the excess transfer or 35633
contribution by the board of elections or the secretary of state 35634

that a transfer or contribution in excess of the permitted amount 35635
has been received. 35636

(K)(1) Any legislative campaign fund that violates division 35637
(F)(1) of section 3517.102 of the Revised Code shall be fined 35638
twenty-five dollars for each day of violation. 35639

(2) Any legislative campaign fund that violates division 35640
(F)(2) of section 3517.102 of the Revised Code shall give to the 35641
treasurer of state for deposit into the state treasury to the 35642
credit of the Ohio elections commission fund all excess 35643
contributions not disposed of as required by division (E) of 35644
section 3517.102 of the Revised Code. 35645

(L) Whoever violates section 3517.105 of the Revised Code 35646
shall be fined one thousand dollars. 35647

(M)(1) Whoever solicits a contribution in violation of 35648
section 3517.092 or violates division (B) of section 3517.09 of 35649
the Revised Code is guilty of a misdemeanor of the first degree. 35650

(2) Whoever knowingly accepts a contribution in violation of 35651
division (B) or (C) of section 3517.092 of the Revised Code shall 35652
be fined an amount equal to three times the amount accepted in 35653
violation of either of those divisions and shall return to the 35654
contributor any amount so accepted. Whoever unknowingly accepts a 35655
contribution in violation of division (B) or (C) of section 35656
3517.092 of the Revised Code shall return to the contributor any 35657
amount so accepted. 35658

(N) Whoever violates division (S) of section 3517.13 of the 35659
Revised Code shall be fined an amount equal to three times the 35660
amount of funds transferred or three times the value of the assets 35661
transferred in violation of that division. 35662

(O) Any campaign committee that accepts a contribution or 35663
contributions in violation of section 3517.108 of the Revised 35664
Code, uses a contribution in violation of that section, or fails 35665

to dispose of excess contributions in violation of that section 35666
shall be fined an amount equal to three times the amount accepted, 35667
used, or kept in violation of that section. 35668

(P) Any political party, state candidate fund, legislative 35669
candidate fund, or campaign committee that violates division (T) 35670
of section 3517.13 of the Revised Code shall be fined an amount 35671
equal to three times the amount contributed or accepted in 35672
violation of that section. 35673

(Q) A treasurer of a committee or another person who violates 35674
division (U) of section 3517.13 of the Revised Code shall be fined 35675
not more than two hundred fifty dollars. 35676

(R) Whoever violates division (I) or (J) of section 3517.13 35677
of the Revised Code shall be fined not more than one thousand 35678
dollars. Whenever a person is found guilty of violating division 35679
(I) or (J) of section 3517.13 of the Revised Code, the contract 35680
awarded in violation of either of those divisions shall be 35681
rescinded if its terms have not yet been performed. 35682

(S) A candidate whose campaign committee violates or a 35683
treasurer of a campaign committee who violates section 3517.081 of 35684
the Revised Code, and a candidate whose campaign committee 35685
violates or a treasurer of a campaign committee or another person 35686
who violates division (C) of section 3517.10 of the Revised Code, 35687
shall be fined not more than five hundred dollars. 35688

(T) A candidate whose campaign committee violates or a 35689
treasurer of a committee who violates division (B) of section 35690
3517.09 of the Revised Code, or a candidate whose campaign 35691
committee violates or a treasurer of a campaign committee or 35692
another person who violates division (C) of section 3517.09 of the 35693
Revised Code shall be fined not more than one thousand dollars. 35694

(U) Whoever violates section 3517.20 of the Revised Code 35695
shall be fined not more than five hundred dollars. 35696

(V) Whoever violates section 3517.21 or 3517.22 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.

(X) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(Y)(1) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to that division.

(2) Any treasurer of a transition fund that fails to dispose of assets remaining in the transition fund as required under division (H)(1) or (2) of section 3517.1014 of the Revised Code shall give to the treasurer of state for deposit into the Ohio elections commission fund all assets not disposed of pursuant to that division.

(Z) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, treasurer of a transition fund, or other entity that violates any provision of sections 3517.09 to 3517.12 of the Revised Code for which no penalty is provided for under any

other division of this section shall be fined not more than one thousand dollars. 35728
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(AA)(1) Whoever knowingly violates division (W)(1) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed, expended, or promised in violation of that division or ten thousand dollars, whichever amount is greater. 35730
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(2) Whoever knowingly violates division (W)(2) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount solicited or accepted in violation of that division or ten thousand dollars, whichever amount is greater. 35735
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(BB) Whoever knowingly violates division (C) or (D) of section 3517.1011 of the Revised Code shall be fined not more than ten thousand dollars plus not more than one thousand dollars for each day of violation. 35739
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(CC)(1) Subject to division (CC)(2) of this section, whoever violates division (H) of section 3517.1011 of the Revised Code shall be fined an amount up to three times the amount disbursed for the direct costs of airing the communication made in violation of that division. 35743
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(2) Whoever has been ordered by the Ohio elections commission or by a court of competent jurisdiction to cease making communications in violation of division (H) of section 3517.1011 of the Revised Code who again violates that division shall be fined an amount equal to three times the amount disbursed for the direct costs of airing the communication made in violation of that division. 35748
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(DD)(1) Any corporation or labor organization that violates division (X)(3)(a) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount given in excess of the amount permitted by that division. 35755
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(2) Any state or county political party that violates 35759
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 35760
fined an amount equal to three times the amount accepted in excess 35761
of the amount permitted by that division. 35762

(EE)(1) Any campaign committee or person who violates 35763
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 35764
shall be fined an amount equal to three times the amount donated 35765
in excess of the amount permitted by that division. 35766

(2) Any officeholder or treasurer of a transition fund who 35767
violates division (C)(3)(a) or (b) of section 3517.1014 of the 35768
Revised Code shall be fined an amount equal to three times the 35769
amount accepted in excess of the amount permitted by that 35770
division. 35771

Sec. 3701.044. When ~~the director of health or department of~~ 35772
~~health is~~ required or authorized to conduct or administer an 35773
examination or evaluation of ~~individuals~~ an individual for the 35774
purpose of determining competency or ~~for the purpose of~~ issuing a 35775
license, certificate, registration, or other authority to practice 35776
or perform duties, the director of health or department of health 35777
may ~~provide for the examination or evaluation by contracting~~ 35778
contract with ~~any public or private~~ an entity to conduct or 35779
administer the examination or evaluation. The contract may 35780
authorize the entity to collect and retain, as all or part of the 35781
entity's compensation under the contract, any fee paid by an 35782
individual for the examination or evaluation. ~~An~~ The entity 35783
~~authorized to collect and retain a fee~~ is not required to deposit 35784
the fee into the state treasury. 35785

The director or department shall post to the department's web 35786
site the dollar amounts for fees described in this section. Any 35787
changes in fee amounts shall be posted to the web site not later 35788
than thirty days before such changes are effective. 35789

Except when considered to be necessary by the director or department, the director or department shall not disclose test materials, examinations, or evaluation tools used in any examination or evaluation the director or department conducts, administers, or provides for by contract. The test materials, examinations, and evaluation tools are not public records for the purpose of section 149.43 of the Revised Code and are not subject to inspection or copying under section 1347.08 of the Revised Code.

Sec. 3701.049. (A) As used in this section, "board of health" has the same meaning as in section 3707.70 of the Revised Code.

(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for fetal-infant mortality review boards to follow in conducting a review of a fetal or infant death. The rules shall do all of the following:

(1) Specify the procedures a board of health must use to establish and operate a fetal-infant mortality review board under section 3707.71 of the Revised Code;

(2) Specify the data and other relevant information a review board must use when conducting the reviews described in section 3707.71 of the Revised Code;

(3) Establish guidelines for a review board to follow so that information presented to the review board does not include anything that would permit any person's identity to be ascertained;

(4) Specify the standards and procedures a review board must use when reporting fetal-infant mortality data to the fetal-infant mortality database maintained by the department of health or the national infant death review database.

Sec. 3701.139. (A) Subject to division (B) of this section, 35820
the director of health shall convene meetings with staff of the 35821
department of health, department of medicaid, department of 35822
administrative services, and commission on minority health to do 35823
all of the following: 35824

(1) Assess the prevalence of all types of diabetes in this 35825
state, including disparities in that prevalence among various 35826
demographic populations and local jurisdictions; 35827

(2) Establish and reevaluate goals for each of the agencies 35828
to reduce that prevalence; 35829

(3) Identify how to measure the progress achieved toward 35830
attaining the goals established under division (A)(2) of this 35831
section; 35832

(4) Establish and monitor the implementation of plans for 35833
each agency to reduce the prevalence of all types of diabetes, 35834
improve diabetes care, and control complications associated with 35835
diabetes among the populations of concern to each agency; 35836

(5) Consider any other matter associated with reducing the 35837
prevalence of all types of diabetes in this state that the 35838
director considers appropriate; 35839

(6) Collect the information needed to prepare the reports 35840
required by division (C) of this section. 35841

(B) The director shall convene the meetings required by 35842
division (A) of this section at the director's discretion, but not 35843
less than twice each calendar year. 35844

(C) Not later than the thirty-first day of January of ~~each~~ 35845
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 35846
director shall submit a report to the general assembly in 35847
accordance with section 101.68 of the Revised Code that addresses 35848
or contains all of the following for the ~~two-year~~ three-year 35849

period preceding the report's submission: 35850

(1) The results of the assessment required by division (A)(1) 35851
of this section; 35852

(2) The progress each agency has made toward achieving the 35853
goals established under division (A)(2) of this section and 35854
implementing the plans required by division (A)(4) of this 35855
section; 35856

(3) An assessment of the health and financial impacts that 35857
all types of diabetes have had on the state and local 35858
jurisdictions, and, subject to division (D) of this section, each 35859
agency specified in division (A) of this section; 35860

(4) A description of the efforts the agencies specified in 35861
division (A) of this section have taken to coordinate programs 35862
intended to prevent, treat, and manage all types of diabetes and 35863
associated complications; 35864

(5) Recommendations for legislative policies to reduce the 35865
impact that diabetes, pre-diabetes, and complications from 35866
diabetes have on the citizens of this state, including specific 35867
action steps that could be taken, the expected outcomes of the 35868
action steps, and benchmarks for measuring progress toward 35869
achieving the outcomes; 35870

(6) A budget proposal that identifies the needs and resources 35871
required to implement the recommendations described in division 35872
(C)(5) of this section, as well as estimates of the costs to 35873
implement the recommendations; 35874

(7) Any other information concerning diabetes prevention, 35875
treatment, or management in this state that the director considers 35876
appropriate. 35877

(D) An agency-specific assessment required by division (C) of 35878
this section shall include all of the following: 35879

(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;

(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;

(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.

(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6, 2017.

Sec. 3701.24. (A) As used in this section and sections 3701.241 to 3701.249 of the Revised Code:

(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.

(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.

(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.

(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.

(5) "Health care facility" has the same meaning as in section

1751.01 of the Revised Code.	35910
(6) "Director" means the director of health or any employee of the department of health acting on the director's behalf.	35911 35912
(7) "Physician" means a person who holds a current, valid certificate issued <u>authorized</u> under Chapter 4731. of the Revised Code authorizing the <u>to</u> practice of medicine or <u>and</u> surgery and or osteopathic medicine and surgery.	35913 35914 35915 35916
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license or certificate issued under Chapter 4723. of the Revised Code.	35917 35918 35919
(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.	35920 35921 35922 35923 35924
(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.	35925 35926 35927 35928
(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the director may adopt rules further defining the scope of the term "health care provider."	35929 35930 35931 35932
(12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual.	35933 35934 35935 35936
(13) "Emergency medical services worker" means all of the following:	35937 35938
(a) A peace officer;	35939

(b) An employee of an emergency medical service organization	35940
as defined in section 4765.01 of the Revised Code;	35941
(c) A firefighter employed by a political subdivision;	35942
(d) A volunteer firefighter, emergency operator, or rescue	35943
operator;	35944
(e) An employee of a private organization that renders rescue	35945
services, emergency medical services, or emergency medical	35946
transportation to accident victims and persons suffering serious	35947
illness or injury.	35948
(14) "Peace officer" has the same meaning as in division (A)	35949
of section 109.71 of the Revised Code, except that it also	35950
includes a sheriff and the superintendent and troopers of the	35951
state highway patrol.	35952
(B) Persons designated by rule adopted by the director under	35953
section 3701.241 of the Revised Code shall report promptly every	35954
case of AIDS, every AIDS-related condition, and every confirmed	35955
positive HIV test to the department of health on forms and in a	35956
manner prescribed by the director. In each county the director	35957
shall designate the health commissioner of a health district in	35958
the county to receive the reports.	35959
(C) No person shall fail to comply with the reporting	35960
requirements established under division (B) of this section.	35961
(D) Information reported under this section that identifies	35962
an individual is confidential and may be released only with the	35963
written consent of the individual except as the director	35964
determines necessary to ensure the accuracy of the information, as	35965
necessary to provide treatment to the individual, as ordered by a	35966
court pursuant to section 3701.243 or 3701.247 of the Revised	35967
Code, or pursuant to a search warrant or a subpoena issued by or	35968
at the request of a grand jury, prosecuting attorney, city	35969
director of law or similar chief legal officer of a municipal	35970

corporation, or village solicitor, in connection with a criminal 35971
investigation or prosecution. Information that does not identify 35972
an individual may be released in summary, statistical, or 35973
aggregate form. 35974

Sec. 3701.262. (A) As used in this section: 35975

(1) "Physician" means a person ~~who holds a valid certificate~~ 35976
~~issued~~ authorized under Chapter 4731. of the Revised Code 35977
~~authorizing the person~~ to practice medicine and surgery or 35978
osteopathic medicine and surgery. 35979

(2) "Dentist" means a person who is licensed under Chapter 35980
4715. of the Revised Code to practice dentistry. 35981

(3) "Hospital" has the same meaning as in section 3727.01 of 35982
the Revised Code. 35983

(4) "Cancer" includes those diseases specified by rule of the 35984
director of health under division (B)(2) of this section. 35985

(B) The director of health shall adopt rules in accordance 35986
with Chapter 119. of the Revised Code to do all of the following: 35987

(1) Establish the Ohio cancer incidence surveillance system 35988
required by section 3701.261 of the Revised Code; 35989

(2) Specify the types of cancer and other tumorous and 35990
precancerous diseases to be reported to the department of health 35991
under division (D) of this section; 35992

(3) Establish reporting requirements for information 35993
concerning diagnosed cancer cases as the director considers 35994
necessary to conduct epidemiologic surveys of cancer in this 35995
state; 35996

(4) Establish standards that must be met by research projects 35997
to be eligible to receive information concerning individual cancer 35998
patients from the department of health. 35999

(C) The department of health shall record in the registry all reports of cancer received by it. In the development and administration of the cancer registry the department may use information compiled by public or private cancer registries and may contract for the collection and analysis of, and research related to, the information recorded under this section.

(D)(1) Each physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer shall report each case of cancer to the department. Any person required to report pursuant to this section may elect to report to the department through an existing cancer registry if the registry meets the reporting standards established by the director and reports to the department.

(2) No person shall fail to make the cancer reports required by division (D)(1) of this section.

(E) All physicians, dentists, hospitals, or persons providing diagnostic or treatment services to patients with cancer shall grant to the department or its authorized representative access to all records that identify cases of cancer or establish characteristics of cancer, the treatment of cancer, or the medical status of any identified cancer patient.

(F) The Arthur G. James cancer hospital and Richard J. Solove research institute of the Ohio state university, shall analyze and evaluate the cancer reports collected pursuant to this section. The department shall publish and make available to the public reports summarizing the information collected. Reports shall be made on a calendar year basis and published not later than ninety days after the end of each calendar year.

(G) Furnishing information, including records, reports, statements, notes, memoranda, or other information, to the department of health, either voluntarily or as required by this

section, or to a person or governmental entity designated as a 36031
medical research project by the department, does not subject a 36032
physician, dentist, hospital, or person providing diagnostic or 36033
treatment services to patients with cancer to liability in an 36034
action for damages or other relief for furnishing the information. 36035

(H) This section does not affect the authority of any person 36036
or facility providing diagnostic or treatment services to patients 36037
with cancer to maintain facility-based tumor registries, in 36038
addition to complying with the reporting requirements of this 36039
section. 36040

Sec. 3701.351. (A) The governing body of every hospital shall 36041
set standards and procedures to be applied by the hospital and its 36042
medical staff in considering and acting upon applications for 36043
staff membership or professional privileges. These standards and 36044
procedures shall be available for public inspection. 36045

(B) The governing body of any hospital, in considering and 36046
acting upon applications for staff membership or professional 36047
privileges within the scope of the applicants' respective 36048
licensures, shall not discriminate against a qualified person 36049
solely on the basis of whether that person is ~~certified~~ licensed 36050
to practice medicine, osteopathic medicine, or podiatry, is 36051
licensed to practice dentistry or psychology, or is licensed to 36052
practice nursing as an advanced practice registered nurse. Staff 36053
membership or professional privileges shall be considered and 36054
acted on in accordance with standards and procedures established 36055
under division (A) of this section. This section does not permit a 36056
psychologist to admit a patient to a hospital in violation of 36057
section 3727.06 of the Revised Code. 36058

(C) The governing body of any hospital that is licensed to 36059
provide maternity services, in considering and acting upon 36060
applications for clinical privileges, shall not discriminate 36061

against a qualified person solely on the basis that the person is 36062
authorized to practice nurse-midwifery. An application from a 36063
certified nurse-midwife who is not employed by the hospital shall 36064
contain the name of a physician member of the hospital's medical 36065
staff who holds clinical privileges in obstetrics at that hospital 36066
and who has agreed to be the collaborating physician for the 36067
applicant in accordance with section 4723.43 of the Revised Code. 36068

(D) Any person may apply to the court of common pleas for 36069
temporary or permanent injunctions restraining a violation of 36070
division (A), (B), or (C) of this section. This action is an 36071
additional remedy not dependent on the adequacy of the remedy at 36072
law. 36073

(E)(1) If a hospital does not provide or permit the provision 36074
of any diagnostic or treatment service for mental or emotional 36075
disorders or any other service that may be legally performed by a 36076
psychologist licensed under Chapter 4732. of the Revised Code, 36077
this section does not require the hospital to provide or permit 36078
the provision of any such service and the hospital shall be exempt 36079
from requirements of this section pertaining to psychologists. 36080

(2) This section does not impair the right of a hospital to 36081
enter into an employment, personal service, or any other kind of 36082
contract with a licensed psychologist, upon any such terms as the 36083
parties may mutually agree, for the provision of any service that 36084
may be legally performed by a licensed psychologist. 36085

Sec. 3701.36. (A) As used in this section and in sections 36086
3701.361 and 3701.362 of the Revised Code, "palliative care" has 36087
the same meaning as in section 3712.01 of the Revised Code. 36088

(B) There is hereby created the palliative care and quality 36089
of life interdisciplinary council. Subject to division (C) of this 36090
section, members of the council shall be appointed by the director 36091
of health and include individuals with expertise in palliative 36092

care who represent the following professions or constituencies:	36093
(1) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including those who are board-certified in pediatrics and those who are board-certified in psychiatry, as those designations are issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association;	36094 36095 36096 36097 36098 36099 36100
(2) Physician assistants licensed under Chapter 4730. of the Revised Code;	36101 36102
(3) Advanced practice registered nurses licensed under Chapter 4723. of the Revised Code who are designated as clinical nurse specialists or certified nurse practitioners;	36103 36104 36105
(4) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	36106 36107
(5) Pharmacists licensed under Chapter 4729. of the Revised Code;	36108 36109
(6) Psychologists licensed under Chapter 4732. of the Revised Code;	36110 36111
(7) Licensed professional clinical counselors or licensed professional counselors licensed under Chapter 4757. of the Revised Code;	36112 36113 36114
(8) Independent social workers or social workers licensed under Chapter 4757. of the Revised Code;	36115 36116
(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;	36117 36118
(10) Child life specialists;	36119
(11) Clergy or spiritual advisers;	36120
(12) Exercise physiologists;	36121

(13) Health insurers; 36122

(14) Patients; 36123

(15) Family caregivers. 36124

The council's membership also may include employees of 36125
agencies of this state that administer programs pertaining to 36126
palliative care or are otherwise concerned with the delivery of 36127
palliative care in this state. 36128

(C) The council's membership shall include individuals who 36129
have worked with various age groups, including children and the 36130
elderly. The council's membership also shall include individuals 36131
who have experience or expertise in various palliative care 36132
delivery models, including acute care, long-term care, hospice 36133
care, home health agency services, home-based care, and spiritual 36134
care. At least two members shall be physicians who are 36135
board-certified in hospice and palliative care by a medical 36136
specialty certifying board recognized by the American board of 36137
medical specialties or American osteopathic association. At least 36138
one member shall be employed as an administrator of a hospital or 36139
system of hospitals in this state or be a professional specified 36140
in divisions (B)(1) to (10) or division (B)(12) of this section 36141
who treats patients as an employee or contractor of such a 36142
hospital or system of hospitals. 36143

Not more than twenty individuals shall serve as members of 36144
the council at any one time. Not more than two members shall be 36145
employed by the same health care facility or provider or practice 36146
at or for the same health care facility or provider. 36147

In making appointments to the council, the director shall 36148
seek to include as members individuals who represent underserved 36149
areas of the state and to have all geographic areas of the state 36150
represented. 36151

(D) The director shall make initial appointments to the 36152

council not later than ninety days after ~~the effective date of~~ 36153
~~this section~~ March 20, 2019. Terms of office shall be three years. 36154
Each member shall hold office from the date of appointment until 36155
the end of the term for which the member was appointed. In the 36156
event of death, removal, resignation, or incapacity of a council 36157
member, the director shall appoint a successor who shall hold 36158
office for the remainder of the term for which the successor's 36159
predecessor was appointed. A member shall continue in office 36160
subsequent to the expiration date of the member's term until the 36161
member's successor takes office or until a period of sixty days 36162
has elapsed, whichever occurs first. 36163

The council shall meet at the call of the director, but not 36164
less than twice annually. The council shall select annually from 36165
among its members a chairperson and vice-chairperson, whose duties 36166
shall be established by the council. 36167

Each member shall serve without compensation, except to the 36168
extent that serving on the council is considered part of the 36169
member's regular employment duties. 36170

(E) The council shall do all of the following: 36171

(1) Consult with and advise the director on matters related 36172
to the establishment, maintenance, operation, and evaluation of 36173
palliative care initiatives in this state; 36174

(2) Consult with the department of health for purposes of its 36175
implementation of section 3701.361 of the Revised Code; 36176

(3) Identify national organizations that have established 36177
standards of practice and best practice models for palliative 36178
care; 36179

(4) Identify initiatives established at the national and 36180
state levels aimed at integrating palliative care into the health 36181
care system and enhancing the use and development of palliative 36182
care; 36183

(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care;

(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of aging, superintendent of insurance, and medicaid director, ~~and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state.

The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code.

(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in either of the following circumstances:

(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of

the child communicate their decision to forgo the screening. 36214

(B) There is hereby created the newborn screening advisory 36215
council to advise the director of health regarding the screening 36216
of newborn children for genetic, endocrine, and metabolic 36217
disorders. The council shall engage in an ongoing review of the 36218
newborn screening requirements established under this section and 36219
shall provide recommendations and reports to the director as the 36220
director requests and as the council considers necessary. The 36221
director may assign other duties to the council, as the director 36222
considers appropriate. 36223

The council shall consist of fourteen members appointed by 36224
the director. In making appointments, the director shall select 36225
individuals and representatives of entities with interest and 36226
expertise in newborn screening, including such individuals and 36227
entities as health care professionals, hospitals, children's 36228
hospitals, regional genetic centers, regional sickle cell centers, 36229
newborn screening coordinators, and members of the public. 36230

The department of health shall provide meeting space, staff 36231
services, and other technical assistance required by the council 36232
in carrying out its duties. Members of the council shall serve 36233
without compensation, but shall be reimbursed for their actual and 36234
necessary expenses incurred in attending meetings of the council 36235
or performing assignments for the council. 36236

The council is not subject to sections 101.82 to 101.87 of 36237
the Revised Code. 36238

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 36239
director of health shall adopt rules in accordance with Chapter 36240
119. of the Revised Code specifying the disorders for which each 36241
newborn child must be screened. 36242

(b) In adopting the rules, the director shall specify Krabbe 36243
disease as a disorder for which a newborn child who is born on or 36244

after July 1, 2016, must be screened. ~~The rules shall limit the~~ 36245
~~screening requirement for Krabbe disease to the process known as~~ 36246
~~"first tier testing," which is a screening for Krabbe disease that~~ 36247
~~is accomplished by measuring galactocerebrosidase activity using~~ 36248
~~mass spectrometry.~~ 36249

(2) The newborn screening advisory council shall evaluate 36250
genetic, metabolic, and endocrine disorders to assist the director 36251
in determining which disorders should be included in the 36252
screenings required under this section. In determining whether a 36253
disorder should be included, the council shall consider all of the 36254
following: 36255

(a) The disorder's incidence, mortality, and morbidity; 36256

(b) Whether the disorder causes disability if diagnosis, 36257
treatment, and early intervention are delayed; 36258

(c) The potential for successful treatment of the disorder; 36259

(d) The expected benefits to children and society in relation 36260
to the risks and costs associated with screening for the disorder; 36261

(e) Whether a screening for the disorder can be conducted 36262
without taking an additional blood sample or specimen. 36263

(3) Based on the considerations specified in division (C)(2) 36264
of this section, the council shall make recommendations to the 36265
director of health for the adoption of rules under division (C)(1) 36266
of this section. The director shall promptly and thoroughly review 36267
each recommendation the council submits. 36268

(D) The director shall adopt rules in accordance with Chapter 36269
119. of the Revised Code establishing standards and procedures for 36270
the screenings required by this section. The rules shall include 36271
standards and procedures for all of the following: 36272

(1) Causing rescreenings to be performed when initial 36273
screenings have abnormal results; 36274

(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;	36275 36276
(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;	36277 36278 36279
(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;	36280 36281
(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;	36282 36283 36284 36285 36286
(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.	36287 36288 36289 36290
(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.	36291 36292 36293 36294
(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate	36295 36296 36297 36298 36299 36300 36301 36302 36303 36304 36305

the contract and another laboratory shall be selected and 36306
contracted with in the same manner. 36307

(3) Any rescreening caused to be performed pursuant to this 36308
section may be performed by the public health laboratory or one or 36309
more other laboratories designated by the director. Any laboratory 36310
the director considers qualified to perform rescreenings may be 36311
designated, including a laboratory located outside this state. If 36312
more than one laboratory is designated, the person responsible for 36313
causing a rescreening to be performed is also responsible for 36314
selecting the laboratory to be used. 36315

(F)(1) The director shall adopt rules in accordance with 36316
Chapter 119. of the Revised Code establishing a fee that shall be 36317
charged and collected in addition to or in conjunction with any 36318
laboratory fee that is charged and collected for performing the 36319
screenings required by this section. The fee, which shall be not 36320
less than fourteen dollars, shall be disbursed as follows: 36321

(a) Not less than ten dollars and twenty-five cents shall be 36322
deposited in the state treasury to the credit of the genetics 36323
services fund, which is hereby created. Not less than seven 36324
dollars and twenty-five cents of each fee credited to the genetics 36325
services fund shall be used to defray the costs of the programs 36326
authorized by section 3701.502 of the Revised Code. Not less than 36327
three dollars from each fee credited to the genetics services fund 36328
shall be used to defray costs of phenylketonuria programs. 36329

(b) Not less than three dollars and seventy-five cents shall 36330
be deposited into the state treasury to the credit of the sickle 36331
cell fund, which is hereby created. Money credited to the sickle 36332
cell fund shall be used to defray costs of programs authorized by 36333
section 3701.131 of the Revised Code. 36334

(2) In adopting rules under division (F)(1) of this section, 36335
the director shall not establish a fee that differs according to 36336

whether a screening is performed by the public health laboratory 36337
or by another laboratory selected by the director pursuant to 36338
division (E)(2) of this section. 36339

Sec. 3701.571. (A) The director of health shall adopt rules 36340
pursuant to Chapter 119. of the Revised Code that establish a 36341
graduated system of fines based on the scope and severity of 36342
violations and the history of compliance, not to exceed seven 36343
hundred fifty dollars per incident, and in an adjudication under 36344
Chapter 119. of the Revised Code, may impose a fine against any 36345
person who violates division (C) of section 3701.23, division (C) 36346
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 36347
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 36348
Revised Code or against any poison prevention and treatment center 36349
or other health-related entity that fails to comply with division 36350
(C) of section 3701.201 of the Revised Code. 36351

(B) On request of the director, the attorney general shall 36352
bring and prosecute to judgment a civil action to collect any fine 36353
imposed under division (A) of this section that remains unpaid. 36354

(C) All fines collected under this section shall be deposited 36355
into the state treasury to the credit of the general operations 36356
fund created under section 3701.83 of the Revised Code. 36357

Sec. 3701.601. There is hereby created in the state treasury 36358
the breast and cervical cancer project income tax contribution 36359
fund, which shall consist of money contributed to it under section 36360
5747.113 of the Revised Code and of contributions made directly to 36361
it. Any person may contribute directly to the fund in addition to 36362
or independently of the income tax refund contribution system 36363
established in section 5747.113 of the Revised Code. 36364

The director of health shall distribute the contributed funds 36365
to the Ohio breast and cervical cancer project administered under 36366

section 3701.144 of the Revised Code. The contributed funds shall 36367
be used specifically for the provision of breast and cervical 36368
cancer screening, diagnostic, and outreach services to uninsured 36369
and under-insured women who meet the eligibility requirements 36370
specified in that section. The breast and cervical cancer project, 36371
through its regional agencies, shall use the contributed funds to 36372
pay for services provided directly by personnel of ~~local~~ 36373
departments health facilities operated by boards of health, free 36374
clinics as defined in section 3701.071 of the Revised Code, 36375
mammography services providers, radiology services providers, 36376
federally qualified health centers as defined by section 3701.047 36377
of the Revised Code, rural health centers, or other community 36378
health centers. 36379

Sec. 3701.611. (A) ~~Not later than six months after April 6,~~ 36380
~~2017, the~~ The department of health ~~and the department of~~ 36381
~~developmental disabilities~~ shall create a central intake and 36382
referral system for ~~the state's part C early intervention services~~ 36383
~~program and~~ all home visiting programs operating in this state. 36384
~~The system shall comply with all regulations governing the part C~~ 36385
~~early intervention program for infants and toddlers with~~ 36386
~~disabilities that are promulgated under the "Individuals with~~ 36387
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 36388
Through a competitive bidding process, the department of health 36389
~~and department of developmental disabilities~~ may select one or 36390
more persons or government entities to operate the system. 36391

(B) If the department of health ~~and department of~~ 36392
~~developmental disabilities choose~~ chooses to select one or more 36393
system operators as described in division (A) of this section, a 36394
contract with any system operator shall require that the system do 36395
both of the following: 36396

(1) Serve as a single point of entry for access, assessment, 36397

and referral of families to appropriate home visiting services ~~and~~ 36398
~~part C early intervention services~~ based on each family's location 36399
of residence; 36400

(2) Use a standardized form or other mechanism to assess for 36401
each family member's risk factors and social determinants of 36402
health, as well as ensure that the family is referred to the 36403
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 36404
service, which may include a program that uses home visiting 36405
contractors who provide services within a community HUB that fully 36406
or substantially complies with the pathways community HUB 36407
certification standards developed by the pathways community HUB 36408
institute. 36409

(C) The standardized form or other mechanism described in 36410
division (B)(2) of this section shall be agreed to by the home 36411
visiting consortium created under section 3701.612 of the Revised 36412
Code ~~and the early intervention services advisory council created~~ 36413
~~under section 5123.0422 of the Revised Code.~~ 36414

(D) A contract entered into under division (B) of this 36415
section shall require a system operator to issue an annual report 36416
to the department of health ~~and department of developmental~~ 36417
~~disabilities~~ that includes data regarding referrals made by the 36418
central intake and referral system, costs associated with the 36419
referrals, and the quality of services received by families who 36420
were referred to services through the system. The report shall be 36421
distributed to the home visiting consortium created under section 36422
3701.612 of the Revised Code ~~and the early intervention services~~ 36423
~~advisory council created under section 5123.0422 of the Revised~~ 36424
Code. 36425

(E) ~~The department of health and department of developmental~~ 36426
~~disabilities shall share any funding made available to each~~ 36427
~~department for local outreach and child find efforts after~~ 36428
~~creating the central intake and referral system described in~~ 36429

~~division (A) of this section.~~ 36430

~~(F)~~ Nothing in this section is intended to do any of the 36431
following: 36432

(1) Prohibit the department of health ~~or department of~~ 36433
~~developmental disabilities~~ from using alternative promotional 36434
materials or names for the central intake and referral system; 36435

(2) Require the use of help me grow program promotional 36436
materials or names; 36437

(3) Prohibit providers, central coordinators, the department 36438
of health, ~~the department of developmental disabilities,~~ or 36439
stakeholders from using the help me grow name for promotional 36440
materials for ~~both the home visiting and part C early intervention~~ 36441
~~services components.~~ 36442

Sec. 3701.612. (A) The Ohio home visiting consortium is 36443
hereby created. The purpose of the consortium is to ensure that 36444
home visiting services provided by home visiting programs 36445
operating in this state, as well as home visiting services 36446
provided or arranged for by medicaid managed care organizations, 36447
are high-quality and delivered through evidence-based or 36448
innovative, promising home visiting models, including models used 36449
by home visiting contractors who provide services within one or 36450
more community HUBs that fully or substantially comply with the 36451
pathways community HUB certification standards developed by the 36452
pathways community HUB institute. It is the intent of the general 36453
assembly that all home visiting services provided in this state do 36454
both of the following: 36455

(1) Improve health, educational, and social outcomes for 36456
expectant and new parents and young children; 36457

(2) Promote safe, connected families and communities in which 36458
children are able to grow up healthy and ready to learn. 36459

(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following:

(a) Make recommendations to the department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state:

(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute;

(ii) Initiate, as pilot projects, innovative, promising home visiting models.

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section.

(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code.

(C) The consortium shall consist of the following members:

(1) The director of health or the director's designee;

(2) The medicaid director or the director's designee;	36490
(3) The director of mental health and addiction services or the director's designee;	36491 36492
(4) The director of developmental disabilities or the director's designee;	36493 36494
(5) The executive director of the commission on minority health or the executive director's designee;	36495 36496
(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division;	36497 36498
(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;	36499 36500 36501
(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;	36502 36503 36504
(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health;	36505 36506 36507
(10) <u>A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health;</u>	36508 36509 36510 36511 36512
(11) An individual who receives home visiting services from the help me grow program;	36513 36514
(11) (12) <u>An individual who receives home visiting services from a home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute;</u>	36515 36516 36517 36518 36519

(13) Two members of the senate, one from the majority party 36520
and one from the minority party, each appointed by the senate 36521
president; 36522

~~(12)~~(14) Two members of the house of representatives, one 36523
from the majority party and one from the minority party, each 36524
appointed by the speaker of the house of representatives. 36525

(D) The consortium members described in divisions (C)~~(6)~~ to 36526
~~(11)~~(10) and (12) of this section shall be appointed not later 36527
than thirty days after ~~the effective date of this section~~ the 36528
effective date of this amendment. An appointed member shall hold 36529
office until a successor is appointed. A vacancy shall be filled 36530
in the same manner as the original appointment. 36531

The director of health shall serve as the chairperson of the 36532
consortium. 36533

A member shall serve without compensation except to the 36534
extent that serving on the consortium is considered part of the 36535
member's regular duties of employment. 36536

(E) The consortium shall meet at the call of the director of 36537
health but not less than once each calendar quarter. The 36538
consortium's first meeting shall occur not later than sixty days 36539
after ~~the effective date of this section~~ April 6, 2017. 36540

(F) The department of health shall provide meeting space and 36541
staff and other administrative support for the consortium. 36542

(G) The consortium is not subject to sections 101.82 to 36543
101.87 of the Revised Code. 36544

Sec. 3701.68. (A) As used in this section: 36545

(1) "Academic medical center" means a medical school and its 36546
affiliated teaching hospitals. 36547

(2) "State registrar" has the same meaning as in section 36548

3705.01 of the Revised Code. 36549

(B) There is hereby created the commission on infant 36550
mortality. The commission shall do all of the following: 36551

(1) Conduct a complete inventory of services provided or 36552
administered by the state that are available to address the infant 36553
mortality rate in this state; 36554

(2) For each service identified under division (B)(1) of this 36555
section, determine both of the following: 36556

(a) The sources of the funds that are used to pay for the 36557
service; 36558

(b) Whether the service and its funding sources have a 36559
connection with programs provided or administered by local or 36560
community-based public or private entities and, to the extent they 36561
do not, whether they should. 36562

(3) With assistance from academic medical centers, track and 36563
analyze infant mortality rates by county for the purpose of 36564
determining the impact of state and local initiatives to reduce 36565
those rates. 36566

(C) The commission shall consist of the following members: 36567

(1) Two members of the senate, one from the majority party 36568
and one from the minority party, each appointed by the senate 36569
president; 36570

(2) Two members of the house of representatives, one from the 36571
majority party and one from the minority party, each appointed by 36572
the speaker of the house of representatives; 36573

(3) The ~~executive director of the office of health~~ 36574
~~transformation or the executive director's~~ governor or the 36575
governor's designee; 36576

(4) The medicaid director or the director's designee; 36577

(5) The director of health or the director's designee;	36578
(6) The director of developmental disabilities or the director's designee;	36579 36580
(7) The executive director of the commission on minority health or the executive director's designee;	36581 36582
(8) The attorney general or the attorney general's designee;	36583
(9) A health commissioner of a city or general health district, appointed by the governor;	36584 36585
(10) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;	36586 36587
(11) An individual who represents the Ohio hospital association, appointed by the association's president;	36588 36589
(12) An individual who represents the Ohio children's hospital association, appointed by the association's president;	36590 36591
(13) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor.	36592 36593 36594
(D) The commission members described in divisions (C)(1), (2), (9), (10), (11), (12), and (13) of this section shall be appointed not later than thirty days after March 19, 2015. An appointed <u>commission</u> member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.	36595 36596 36597 36598 36599 36600
From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.	36601 36602 36603
A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.	36604 36605 36606

(E) The commission may request assistance from the staff of the legislative service commission. 36607
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(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. 36609
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(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section. 36621
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(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code. 36625
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(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code. 36627
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Sec. 3701.99. (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree. 36630
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(B) Whoever violates section 3701.82 of the Revised Code is 36637
guilty of a misdemeanor of the first degree. 36638

(C) Whoever violates section 3701.352 or 3701.81 of the 36639
Revised Code is guilty of a misdemeanor of the second degree. 36640

Sec. 3702.12. Initial rules for each activity specified in 36641
section 3702.11 of the Revised Code and for each health care 36642
facility ~~listed as defined in division (A)(4) of~~ section 3702.30 36643
of the Revised Code shall be adopted using the procedure 36644
prescribed by this section. 36645

The director of health shall file proposed rules in 36646
accordance with section 119.03 of the Revised Code. If, prior to 36647
expiration of the time for legislative review and invalidation 36648
under division (I) of that section, the joint committee on agency 36649
rule review recommends the adoption of a concurrent resolution 36650
invalidating a proposed rule, the director shall withdraw the 36651
proposed rule, revise it, and refile it as if it were a newly 36652
proposed rule; the director shall not file the proposed rule in 36653
final form. A proposed rule that the director refiles following a 36654
recommendation for a concurrent resolution of invalidation shall 36655
be treated, for purposes of determining the time for legislative 36656
review and invalidation under section 119.03 of the Revised Code, 36657
as if it were a newly proposed rule. If, after filing the revised 36658
proposed rule, the joint committee again recommends the adoption 36659
of a concurrent resolution of invalidation, the director shall 36660
file the revised proposed rule in final form in accordance with 36661
section 111.15 of the Revised Code, and the rule shall take effect 36662
in accordance with that section. 36663

If, prior to expiration of the time for legislative review 36664
and invalidation, the joint committee does not recommend the 36665
adoption of a concurrent resolution invalidating a proposed rule 36666
or revised proposed rule filed in accordance with section 119.03 36667

of the Revised Code, the director shall file the rule in final 36668
form in accordance with section 119.04 of the Revised Code, and 36669
the rule shall take effect in accordance with that section. 36670

Initial rules adopted for each activity specified in section 36671
3702.11 of the Revised Code shall include rules pertaining to all 36672
of the matters required by section 3702.16 of the Revised Code. 36673

Initial rules shall not be adopted as emergency rules. 36674

Sec. 3702.13. After the adoption, in accordance with section 36675
3702.12 of the Revised Code, of initial rules applicable to an 36676
activity specified in section 3702.11 of the Revised Code or a 36677
health care facility listed as defined in division (A)(4) of 36678
section 3702.30 of the Revised Code, any amendments to the rules 36679
applicable to that activity or facility, including enactment of 36680
new rules or amendments or rescissions of existing rules, shall be 36681
adopted in accordance with Chapter 119. of the Revised Code. 36682

Sec. 3702.30. (A) As used in this section: 36683

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 36684
~~or not part of the same organization as a hospital, that is~~ 36685
~~located in a building distinct from another in which inpatient~~ 36686
~~care is provided~~ surgical services are provided to patients who do 36687
not require hospitalization for inpatient care, the duration of 36688
services for any patient does not extend beyond twenty-four hours 36689
after the patient's admission, and to which any of the following 36690
apply: 36691

(a) ~~Outpatient surgery is routinely performed in the~~ 36692
~~facility, and the facility functions separately from a hospital's~~ 36693
~~inpatient surgical service and from the offices of private~~ 36694
~~physicians, podiatrists, and dentists~~ The surgical services are 36695
provided in a building that is separate from another building in 36696
which inpatient care is provided, regardless of whether the 36697

separate building is part of the same organization as the building 36698
in which inpatient care is provided. 36699

~~(b) Anesthesia is administered in the facility by an~~ 36700
~~anesthesiologist or certified registered nurse anesthetist, and~~ 36701
~~the facility functions separately from a hospital's inpatient~~ 36702
~~surgical service and from the offices of private physicians,~~ 36703
~~podiatrists, and dentists.~~ 36704

~~(c) The facility applies to be certified by the United States~~ 36705
~~centers for medicare and medicaid services as an ambulatory~~ 36706
~~surgical center for purposes of reimbursement under Part B of the~~ 36707
~~medicare program, Part B of Title XVIII of the "Social Security~~ 36708
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 36709

~~(d) The facility applies to be certified by a national~~ 36710
~~accrediting body approved by the centers for medicare and medicaid~~ 36711
~~services for purposes of deemed compliance with the conditions for~~ 36712
~~participating in the medicare program as an ambulatory surgical~~ 36713
~~center.~~ 36714

~~(e) The facility bills or receives from any third party~~ 36715
~~payer, governmental health care program, or other person or~~ 36716
~~government entity any ambulatory surgical facility fee that is~~ 36717
~~billed or paid in addition to any fee for professional services~~ 36718
The surgical services are provided within a building in which 36719
inpatient care is provided and the entity that operates the 36720
portion of the building where the surgical services are provided 36721
is not the entity that operates the remainder of the building. 36722

~~(f)(c)~~ (c) The facility is held out to any person or government 36723
entity as an ambulatory surgical facility or similar facility by 36724
means of signage, advertising, or other promotional efforts. 36725

"Ambulatory surgical facility" does not include a hospital 36726
emergency department or an office of a physician, podiatrist, or 36727
dentist. 36728

~~(2) "Ambulatory surgical facility fee" means a fee for 36729
certain overhead costs associated with providing surgical services 36730
in an outpatient setting. A fee is an ambulatory surgical facility 36731
fee only if it directly or indirectly pays for costs associated 36732
with any of the following: 36733~~

~~(a) Use of operating and recovery rooms, preparation areas, 36734
and waiting rooms and lounges for patients and relatives; 36735~~

~~(b) Administrative functions, record keeping, housekeeping, 36736
utilities, and rent; 36737~~

~~(c) Services provided by nurses, pharmacists, orderlies, 36738
technical personnel, and others involved in patient care related 36739
to providing surgery. 36740~~

~~"Ambulatory surgical facility fee" does not include any 36741
additional payment in excess of a professional fee that is 36742
provided to encourage physicians, podiatrists, and dentists to 36743
perform certain surgical procedures in their office or their group 36744
practice's office rather than a health care facility, if the 36745
purpose of the additional fee is to compensate for additional cost 36746
incurred in performing office based surgery. 36747~~

~~(3) "Governmental health care program" has the same meaning 36748
as in section 4731.65 of the Revised Code. 36749~~

~~(4) "Health care facility" means any of the following: 36750~~

~~(a) An ambulatory surgical facility; 36751~~

~~(b) A freestanding dialysis center; 36752~~

~~(c) A freestanding inpatient rehabilitation facility; 36753~~

~~(d) A freestanding birthing center; 36754~~

~~(e) A freestanding radiation therapy center; 36755~~

~~(f) A freestanding or mobile diagnostic imaging center. 36756~~

~~(5) "Third party payer" has the same meaning as in section 36757~~

~~3901.38 of the Revised Code.~~ 36758

(B) By rule adopted in accordance with sections 3702.12 and 36759
3702.13 of the Revised Code, the director of health shall 36760
establish quality standards for health care facilities. The 36761
standards may incorporate accreditation standards or other quality 36762
standards established by any entity recognized by the director. 36763

In the case of an ambulatory surgical facility, the standards 36764
shall require the ambulatory surgical facility to maintain an 36765
infection control program. The purposes of the program are to 36766
minimize infections and communicable diseases and facilitate a 36767
functional and sanitary environment consistent with standards of 36768
professional practice. To achieve these purposes, ambulatory 36769
surgical facility staff managing the program shall create and 36770
administer a plan designed to prevent, identify, and manage 36771
infections and communicable diseases; ensure that the program is 36772
directed by a qualified professional trained in infection control; 36773
ensure that the program is an integral part of the ambulatory 36774
surgical facility's quality assessment and performance improvement 36775
program; and implement in an expeditious manner corrective and 36776
preventive measures that result in improvement. 36777

(C) Every ambulatory surgical facility shall require that 36778
each physician who practices at the facility comply with all 36779
relevant provisions in the Revised Code that relate to the 36780
obtaining of informed consent from a patient. 36781

(D) The director shall issue a license to each health care 36782
facility that makes application for a license and demonstrates to 36783
the director that it meets the quality standards established by 36784
the rules adopted under division (B) of this section and satisfies 36785
the informed consent compliance requirements specified in division 36786
(C) of this section. 36787

(E)(1) Except as provided in division (H) of this section and 36788

in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) ~~This division~~ Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this

section or the rules adopted under this section, including a scale 36820
for determining the amount of the penalties; 36821

(4) Provisions specifying the form inspectors must use when 36822
conducting inspections of ambulatory surgical facilities. 36823

(G) An ambulatory surgical facility that performs or induces 36824
abortions shall comply with section 3701.791 of the Revised Code. 36825

(H) The following entities are not required to obtain a 36826
license as a freestanding diagnostic imaging center issued under 36827
this section: 36828

(1) A hospital registered under section 3701.07 of the 36829
Revised Code that provides diagnostic imaging; 36830

(2) An entity that is reviewed as part of a hospital 36831
accreditation or certification program and that provides 36832
diagnostic imaging; 36833

(3) An ambulatory surgical facility that provides diagnostic 36834
imaging in conjunction with or during any portion of a surgical 36835
procedure. 36836

Sec. 3702.967. The director of health may accept gifts of 36837
money from any source for the implementation and administration of 36838
sections 3702.96 to 3702.965 of the Revised Code. 36839

The director shall pay all gifts accepted under this section 36840
~~into the state treasury, to the credit of the dental hygiene~~ 36841
~~resource shortage area fund, which is hereby created,~~ and all 36842
damages collected under division (C)(3) of section 3702.965 of the 36843
Revised Code, ~~into the state treasury,~~ to the credit of the dental 36844
hygienist loan repayment fund, which is hereby created. 36845

The director shall use the ~~dental hygiene resource shortage~~ 36846
~~area~~ and dental hygienist loan repayment ~~funds~~ fund for the 36847
implementation and administration of sections 3702.96 to 3702.967 36848
of the Revised Code. 36849

Sec. 3704.01. As used in this chapter: 36850

(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act. 36851
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(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01 of the Revised Code, that are consistent with generally accepted agricultural practices, were established prior to adjacent nonagricultural activities, have no substantial, adverse effect on the public health, safety, or welfare, do not result from the negligent or other improper operations of any such agricultural activities, and would not be required to obtain a Title V permit. For the purposes of this chapter, agricultural production activities do not include the installation and operation of off-farm facilities for the storage or processing of agricultural products, including, but not limited to, alfalfa dehydrating facilities, rendering plants, and feed and grain mills, elevators, and terminals. 36855
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(C) "Air contaminant source" means each separate operation or activity that results or may result in the emission of any air contaminant. 36871
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(D) "Air pollution" means the presence in the ambient air of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property. 36874
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(E) "Ambient air" means that portion of the atmosphere 36880

outside of buildings and other enclosures, stacks, or ducts that 36881
surrounds human, plant, or animal life or property. 36882

(F) "Best available technology" means any combination of work 36883
practices, raw material specifications, throughput limitations, 36884
source design characteristics, an evaluation of the annualized 36885
cost per ton of pollutant removed, and air pollution control 36886
devices that have been previously demonstrated to the director of 36887
environmental protection to operate satisfactorily in this state 36888
or other states with similar air quality on substantially similar 36889
air pollution sources. 36890

(G) "Change within a permitted facility" means, within the 36891
context of the Title V permit program established under section 36892
3704.036 of the Revised Code, a change that is limited by a 36893
federally enforceable provision of an applicable Title V permit 36894
and that does not include physical, production, or other changes 36895
that are neither addressed nor limited by the federally 36896
enforceable portion of a Title V permit unless the change would 36897
result in a violation of a federally enforceable requirement or a 36898
modification under Title I of the federal Clean Air Act or would 36899
be subject to any requirements under Title IV of that act. 36900

(H) "Emit" or "emission" means the release into the ambient 36901
air of an air contaminant. 36902

(I) "Emission limitation" and "emission standard" mean a 36903
requirement that limits the quantity, rate, or concentration of 36904
emissions of air contaminants, including any requirement relating 36905
to the operation or maintenance of an air contaminant source. 36906

(J) "Facility," for the purposes of the Title V permit 36907
program established under section 3704.036 of the Revised Code, 36908
means all of the emitting activities that are located on 36909
contiguous or adjacent properties that are under the control of 36910
the same person or persons or are under common control and that 36911

are in the same major group as described in the standard 36912
Industrial Classification Manual, 1987. 36913

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 36914
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 36915
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 36916
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 36917
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 36918
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 36919
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 36920
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 36921
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 36922
that have been or may hereafter be adopted, or any supplements to 36923
those acts and laws of the United States that have been or may 36924
hereafter be enacted in substitution therefor, together with any 36925
regulations that have been or may hereafter be adopted by the 36926
administrator by virtue of and in accordance with those acts and 36927
laws. Reference to a particular title or section of the federal 36928
Clean Air Act includes any amendments that have been or may 36929
hereafter be enacted in substitution therefor and any regulations 36930
pertaining to the title or section that have been or may hereafter 36931
be adopted by the administrator by virtue of and in accordance 36932
with the federal Clean Air Act. 36933

(L) "Hazardous air pollutant" means any pollutant listed 36934
under section 112(b) of the federal Clean Air Act. 36935

(M) "Implementation plan" means a program for the prevention 36936
and abatement of air pollution in the state that has been 36937
promulgated or approved by the administrator pursuant to the 36938
federal Clean Air Act. 36939

(N) "Local air pollution control authority" includes all of 36940
the following unless terminated by the political subdivisions 36941
represented thereby: 36942

- (1) All of the following agencies representing the following political subdivisions, as those agencies existed on July 1, 1993:
- (a) The Akron regional air quality management district representing Medina, Summit, and Portage counties;
 - (b) The Canton city health department representing Stark county;
 - (c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;
 - (d) The city of Cleveland division of the environment representing Cuyahoga county;
 - (e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;
 - (f) The Lake county general health district representing Lake and Geauga counties;
 - (g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;
 - (h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county;
 - ~~(i) The Mahoning Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.~~
- (2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;
- (3) Any new local air pollution control authority established

on or after July 1, 1993, by one or more political subdivisions of 36973
this state for the purposes of exercising the powers reserved to 36974
political subdivisions of this state under division (A) of section 36975
3704.11 of the Revised Code. 36976

(O) "Person" means the federal government or any agency 36977
thereof, the state or any agency thereof, any political 36978
subdivision or any agency thereof, or any public or private 36979
corporation, individual, partnership, or other entity. 36980

(P) "Research and development sources" means sources whose 36981
activities are conducted for nonprofit scientific or educational 36982
purposes; sources whose activities are conducted to test more 36983
efficient production processes or methods for preventing or 36984
reducing adverse environmental impacts, provided that the 36985
activities do not include the production of an intermediate or 36986
final product for sale or exchange for commercial profit, except 36987
in a de minimis manner; a research or laboratory source the 36988
primary purpose of which is to conduct research and development 36989
into new processes and products, that is operated under the close 36990
supervision of technically trained personnel, and that is not 36991
engaged in the manufacture of products for sale or exchange for 36992
commercial profit, except in a de minimis manner; the temporary 36993
use of normal production sources in a research and development 36994
mode to test the technical or commercial viability of alternative 36995
raw materials or production processes, provided that the use does 36996
not include the production of an intermediate or final product for 36997
sale or exchange for commercial profit, except in a de minimis 36998
manner; the experimental firing of any fuel or combination of 36999
fuels in a boiler, heater, furnace, or dryer for the purpose of 37000
conducting research and development of more efficient combustion 37001
or more effective prevention or control of air pollutant 37002
emissions, provided that, during those periods of research and 37003
development, the heat generated is not used for normal production 37004

purposes or for producing a product for sale or exchange for 37005
commercial profit, except in a de minimis manner; and such other 37006
similar sources as the director may prescribe by rule. 37007

(Q) "Responsible official" means one of the following, as 37008
applicable: 37009

(1) For a corporation: a president, secretary, treasurer, or 37010
vice-president of the corporation in charge of a principal 37011
business function, any other person who performs similar policy or 37012
decision-making functions for the corporation, or a duly 37013
authorized representative of any such person if the representative 37014
is responsible for the overall operation of one or more 37015
manufacturing, production, or operating facilities applying for or 37016
subject to a Title V permit and if one of the following applies: 37017

(a) The facilities employ more than two hundred fifty 37018
individuals or have gross annual sales or expenditures exceeding 37019
twenty-five million dollars, in second quarter 1980 dollars; 37020

(b) The delegation of authority to the representative is 37021
approved in advance by the director. 37022

(2) For a partnership or sole proprietorship: a general 37023
partner or the proprietor, respectively. 37024

(3) For the federal government or any agency thereof, the 37025
state or any agency thereof, a political subdivision or any agency 37026
thereof, or any other public agency, either a principal executive 37027
officer or authorized elected official. For the purposes of this 37028
division, a principal executive officer of a federal agency 37029
includes the chief executive officer having responsibility for the 37030
overall operation of a principal geographic unit of the agency. 37031

(4) For affected sources, both of the following: 37032

(a) The designated representative insofar as actions, 37033
standards, requirements, or prohibitions under Title IV of the 37034

federal Clean Air Act or regulations adopted under it are 37035
concerned; 37036

(b) The designated representative for any other purposes 37037
under 40 C.F.R. part 70. 37038

(R) "Small business stationary source" means any building, 37039
structure, facility, or installation that emits any federally 37040
regulated air pollutant and is owned or operated by a person who 37041
employs one hundred or fewer individuals; is a small business 37042
concern as defined in the "Small Business Act," 72 Stat. 384 37043
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 37044
source as defined in section 302(j) of the federal Clean Air Act; 37045
does not emit fifty tons or more per year of any federally 37046
regulated air pollutant or any hazardous air pollutant; and emits 37047
less than seventy-five tons per year of all federally regulated 37048
air pollutants. 37049

(S) "Title V permit" means an operating permit required to be 37050
issued by the state under section 502 of the federal Clean Air Act 37051
and issued under section 3704.036 of the Revised Code and rules 37052
adopted under it. 37053

(T) For the purposes of the Title V permit program 37054
established under this chapter and rules adopted under it, all 37055
terms defined in 40 C.F.R. part 70 have the same meaning as in 37056
that part. 37057

Sec. 3704.111. (A) Not later than October 1, 1993, the 37058
director of environmental protection shall enter into a delegation 37059
agreement with each local air pollution control authority listed 37060
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 37061
Code under which the local air pollution control authority agrees 37062
to perform on behalf of the environmental protection agency air 37063
pollution control regulatory services within the political 37064
subdivision represented by the local air pollution control 37065

authority. The director may enter into such a delegation agreement 37066
with a local air pollution control authority established on or 37067
after the effective date of this section, subject to the condition 37068
established in division (B) of this section. Each delegation 37069
agreement shall be self-renewing on an annual basis on the first 37070
day of October of each year. The terms of each such delegation 37071
agreement shall remain unchanged from year to year unless they are 37072
amended by mutual agreement of the director and the local air 37073
pollution control authority. 37074

(B) The director may conduct a periodic performance 37075
evaluation of the air pollution control program operated by each 37076
local air pollution control authority. Based upon the findings of 37077
such a performance evaluation, the director may terminate or 37078
refuse to renew the delegation agreement with a local air 37079
pollution control authority if the director determines that the 37080
local air pollution control authority is not adequately performing 37081
its obligations under the agreement. 37082

(C) The director may enter into contracts for payments to 37083
local air pollution control authorities from moneys credited to 37084
the clean air fund created in section 3704.035 of the Revised 37085
Code, subject to the limitation specified in that section, and any 37086
other moneys appropriated by the general assembly for that 37087
purpose. The director shall distribute the moneys available for 37088
making payments to the local air pollution control authorities 37089
pursuant to such contracts equitably among the local air pollution 37090
control authorities based upon the amount of local funding and the 37091
workload of each local air pollution control authority, including, 37092
without limitation, population served, number of air permits 37093
issued for both new and existing sources, land area, and number of 37094
air contaminant sources. The director biennially shall review the 37095
workload of each local air pollution control authority and shall 37096
determine the percentage of the moneys available for the purpose 37097

of making payments under the contracts. In determining the 37098
percentage of those moneys that is to be so distributed, the 37099
director shall consider the recommendations of the local air 37100
pollution control authorities. 37101

(D) The director may modify a contract between the director 37102
and a local air pollution control authority to authorize the local 37103
air pollution control authority to perform air pollution control 37104
activities outside the geographic boundaries of that local air 37105
pollution control authority. 37106

Sec. 3704.14. (A)(1) If the director of environmental 37107
protection determines that implementation of a motor vehicle 37108
inspection and maintenance program is necessary for the state to 37109
effectively comply with the federal Clean Air Act after June 30, 37110
~~2015~~ 2019, the director may provide for the implementation of the 37111
program in those counties in this state in which such a program is 37112
federally mandated. Upon making such a determination, the director 37113
of environmental protection may request the director of 37114
administrative services to extend the terms of the contract that 37115
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 37116
the ~~129th~~ 131st general assembly. Upon receiving the request, the 37117
director of administrative services shall extend the contract, 37118
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 37119
The contract shall be extended for a period of up to twenty-four 37120
months with the contractor who conducted the motor vehicle 37121
inspection and maintenance program under that contract. 37122

(2) Prior to the expiration of the contract extension that is 37123
authorized by division (A)(1) of this section, the director of 37124
environmental protection shall request the director of 37125
administrative services to enter into a contract with a vendor to 37126
operate a decentralized motor vehicle inspection and maintenance 37127
program in each county in this state in which such a program is 37128

federally mandated through June 30, ~~2019~~ 2023, with an option for 37129
the state to renew the contract for a period of up to twenty-four 37130
months through June 30, ~~2024~~ 2025. The contract shall ensure that 37131
the decentralized motor vehicle inspection and maintenance program 37132
achieves at least the same emission reductions as achieved by the 37133
program operated under the authority of the contract that was 37134
extended under division (A)(1) of this section. The director of 37135
administrative services shall select a vendor through a 37136
competitive selection process in compliance with Chapter 125. of 37137
the Revised Code. 37138

(3) Notwithstanding any law to the contrary, the director of 37139
administrative services shall ensure that a competitive selection 37140
process regarding a contract to operate a decentralized motor 37141
vehicle inspection and maintenance program in this state 37142
incorporates the following, which shall be included in the 37143
contract: 37144

(a) For purposes of expanding the number of testing locations 37145
for consumer convenience, a requirement that the vendor utilize 37146
established local businesses, auto repair facilities, or leased 37147
properties to operate state-approved inspection and maintenance 37148
testing facilities; 37149

(b) A requirement that the vendor selected to operate the 37150
program provide notification of the program's requirements to each 37151
owner of a motor vehicle that is required to be inspected under 37152
the program. The contract shall require the notification to be 37153
provided not later than sixty days prior to the date by which the 37154
owner of the motor vehicle is required to have the motor vehicle 37155
inspected. The director of environmental protection and the vendor 37156
shall jointly agree on the content of the notice. However, the 37157
notice shall include at a minimum the locations of all inspection 37158
facilities within a specified distance of the address that is 37159
listed on the owner's motor vehicle registration; 37160

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

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(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

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(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

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(1) Comply with the federal Clean Air Act;

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(2) Provide for the issuance of inspection certificates;

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(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.

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(C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

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(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and

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other contributions that are received for the purpose of funding 37192
the program established under this section. The director of 37193
environmental protection shall use money in the fund solely for 37194
the implementation, supervision, administration, operation, and 37195
enforcement of the motor vehicle inspection and maintenance 37196
program established under this section. Money in the fund shall 37197
not be used for either of the following: 37198

(1) To pay for the inspection costs incurred by a motor 37199
vehicle dealer so that the dealer may provide inspection 37200
certificates to an individual purchasing a motor vehicle from the 37201
dealer when that individual resides in a county that is subject to 37202
the motor vehicle inspection and maintenance program; 37203

(2) To provide payment for more than one free passing 37204
emissions inspection or a total of three emissions inspections for 37205
a motor vehicle in any three-hundred-sixty-five-day period. The 37206
owner or lessee of a motor vehicle is responsible for inspection 37207
fees that are related to emissions inspections beyond one free 37208
passing emissions inspection or three total emissions inspections 37209
in any three-hundred-sixty-five-day period. Inspection fees that 37210
are charged by a contractor conducting emissions inspections under 37211
a motor vehicle inspection and maintenance program shall be 37212
approved by the director of environmental protection. 37213

(E) The motor vehicle inspection and maintenance program 37214
established under this section expires upon the termination of all 37215
contracts entered into under this section and shall not be 37216
implemented beyond the final date on which termination occurs. 37217

Sec. 3705.07. (A) The local registrar of vital statistics 37218
shall number consecutively each fetal death and death certificate 37219
printed on paper that the local registrar receives from the 37220
electronic death registration system (EDRS) maintained by the 37221
department of health. The number assigned to each certificate 37222

shall be the one provided by EDRS. Such local registrar shall sign 37223
the local registrar's name in attest to the date of filing in the 37224
local office. The local registrar shall make a complete and 37225
accurate copy of each fetal death and death certificate printed on 37226
paper that is filed. Each paper copy shall be filed and preserved 37227
as the local record until the electronic information regarding the 37228
event has been completed and made available in EDRS and EDRS is 37229
capable of issuing a complete and accurate electronic copy of the 37230
certificate. The local record may be a photographic, electronic, 37231
or other reproduction. The local registrar shall transmit to the 37232
state office of vital statistics all original fetal death and 37233
death certificates received using the state transmittal schedule 37234
specified by the department of health. The local registrar shall 37235
immediately notify the health commissioner with jurisdiction in 37236
the registration district of the receipt of a death certificate 37237
attesting that death resulted from a communicable disease. 37238

The office of vital statistics shall carefully examine the 37239
records and certificates received from local registrars of vital 37240
statistics and shall secure any further information that may be 37241
necessary to make each record and certificate complete and 37242
satisfactory. It shall arrange and preserve the records and 37243
certificates, or reproductions of them produced pursuant to 37244
section 3705.03 of the Revised Code, in a systematic manner and 37245
shall maintain a permanent index of all births, fetal deaths, and 37246
deaths registered, which shall show the name of the child or 37247
deceased person, place and date of birth or death, and number of 37248
the certificate. 37249

(B)(1) The office of vital statistics shall make available ~~to~~ 37250
~~the division of child support in the department of job and family~~ 37251
~~services~~ all social security numbers that accompany a birth 37252
certificate submitted for filing under division (H) of section 37253
3705.09 or section 3705.10 of the Revised Code or that accompany a 37254

death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised Code, the department of medicaid.

(2) The office of vital statistics also shall make available to the division of child support in the department of job and family services any other information recorded in the birth record that may enable the division to use the social security numbers provided under division (B)(1) of this section to obtain the location of the father of the child whose birth certificate was accompanied by the social security number or to otherwise enforce a child support order pertaining to that child or any other child.

Sec. 3705.09. (A) A birth certificate for each live birth in this state shall be filed in the registration district in which it occurs within ten calendar days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(B) When a birth occurs in or en route to an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, and complete and certify the facts of birth on the certificate within ten calendar days. The physician or certified nurse-midwife in attendance shall be listed on the birth record.

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;	37285 37286
(2) Any other person in attendance at or immediately after the birth;	37287 37288
(3) The father;	37289
(4) The mother;	37290
(5) The person in charge of the premises where the birth occurred.	37291 37292
(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.	37293 37294 37295 37296
(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined.	37297 37298 37299 37300 37301 37302 37303 37304 37305 37306
(F)(1) If the mother of a child was married at the time of either conception or birth or between conception and birth, the child shall be registered in the surname designated by the mother, and the name of the husband shall be entered on the certificate as the father of the child. The presumption of paternity shall be in accordance with section 3111.03 of the Revised Code.	37307 37308 37309 37310 37311 37312
(2) If the mother was not married at the time of conception or birth or between conception and birth, the child shall be	37313 37314

registered by the surname designated by the mother. The name of 37315
the father of such child shall also be inserted on the birth 37316
certificate if both the mother and the father sign an 37317
acknowledgement of paternity affidavit before the birth record has 37318
been sent to the local registrar. If the father is not named on 37319
the birth certificate pursuant to division (F)(1) or (2) of this 37320
section, no other information about the father shall be entered on 37321
the record. 37322

(G) When a man is presumed, found, or declared to be the 37323
father of a child, according to section 2105.26, sections 3111.01 37324
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 37325
of the Revised Code, or the father has acknowledged the child as 37326
his child in an acknowledgment of paternity, and the 37327
acknowledgment has become final pursuant to section 2151.232, 37328
3111.25, or 3111.821 of the Revised Code, and documentary evidence 37329
of such fact is submitted to the department of health in such form 37330
as the director may require, a new birth record shall be issued by 37331
the department which shall have the same overall appearance as the 37332
record which would have been issued under this section if a 37333
marriage had occurred before the birth of such child. Where 37334
handwriting is required to effect such appearance, the department 37335
shall supply it. Upon the issuance of such new birth record, the 37336
original birth record shall cease to be a public record. Except as 37337
provided in division (C) of section 3705.091 of the Revised Code, 37338
the original record and any documentary evidence supporting the 37339
new registration of birth shall be placed in an envelope which 37340
shall be sealed by the department and shall not be open to 37341
inspection or copy unless so ordered by a court of competent 37342
jurisdiction. 37343

(H) Every birth certificate filed under this section on or 37344
after July 1, 1990, shall be accompanied by all social security 37345
numbers that have been issued to the parents of the child, unless 37346

the division of child support in the department of job and family 37347
services, acting in accordance with regulations prescribed under 37348
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 37349
as amended, finds good cause for not requiring that the numbers be 37350
furnished with the certificate. The parents' social security 37351
numbers shall not be recorded on the certificate. No social 37352
security number obtained under this division shall be used for any 37353
purpose other than ~~child support enforcement~~ the purposes 37354
specified in division (B)(1) of section 3705.07 of the Revised 37355
Code. 37356

Sec. 3705.10. Any birth certificate submitted for filing 37357
eleven or more days after the birth occurred constitutes a delayed 37358
birth registration. A delayed birth certificate may be filed in 37359
accordance with rules which shall be adopted by the director of 37360
health. The rules shall include, but not be limited to, all of the 37361
following requirements for each delayed birth certificate filed on 37362
or after July 1, 1990: 37363

(A) The certificate shall be accompanied by all social 37364
security numbers that have been issued to the parents of the 37365
child, unless the division of child support in the department of 37366
job and family services, acting in accordance with regulations 37367
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 37368
42 U.S.C.A. 405, as amended, finds good cause for not requiring 37369
that the numbers be furnished with the certificate. 37370

(B) The parents' social security numbers shall not be 37371
recorded on the certificate. 37372

(C) No social security number obtained under this section 37373
shall be used for any purpose other than ~~child support enforcement~~ 37374
the purposes specified in division (B)(1) of section 3705.07 of 37375
the Revised Code. 37376

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 37377
of the Revised Code: 37378

(A) "Advanced energy project" means any technologies, 37379
products, activities, or management practices or strategies that 37380
facilitate the generation or use of electricity or energy and that 37381
reduce or support the reduction of energy consumption or support 37382
the production of clean, renewable energy for industrial, 37383
distribution, commercial, institutional, governmental, research, 37384
not-for-profit, or residential energy users including, but not 37385
limited to, advanced energy resources and renewable energy 37386
resources. "Advanced energy project" includes any project 37387
described in division (A), (B), or (C) of section 4928.621 of the 37388
Revised Code. 37389

(B) "Advanced energy resource" means any of the following: 37390

(1) Any method or any modification or replacement of any 37391
property, process, device, structure, or equipment that increases 37392
the generation output of an electric generating facility to the 37393
extent such efficiency is achieved without additional carbon 37394
dioxide emissions by that facility; 37395

(2) Any distributed generation system consisting of customer 37396
cogeneration technology, primarily to meet the energy needs of the 37397
customer's facilities; 37398

(3) Advanced nuclear energy technology consisting of 37399
generation III technology as defined by the nuclear regulatory 37400
commission; other, later technology; or significant improvements 37401
to existing facilities; 37402

(4) Any fuel cell used in the generation of electricity, 37403
including, but not limited to, a proton exchange membrane fuel 37404
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 37405
solid oxide fuel cell; 37406

(5) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM).
(C) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.
(D) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.
(E) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census, biologically derived methane gas, heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas, or energy

derived from nontreated by-products of the pulping process or wood 37439
manufacturing process, including bark, wood chips, sawdust, and 37440
lignin in spent pulping liquors. "Renewable energy resource" 37441
includes, but is not limited to, any fuel cell used in the 37442
generation of electricity, including, but not limited to, a proton 37443
exchange membrane fuel cell, phosphoric acid fuel cell, molten 37444
carbonate fuel cell, or solid oxide fuel cell; wind turbine 37445
located in the state's territorial waters of Lake Erie; methane 37446
gas emitted from an abandoned coal mine; storage facility that 37447
will promote the better utilization of a renewable energy resource 37448
that primarily generates off peak; or distributed generation 37449
system used by a customer to generate electricity from any such 37450
energy. As used in this division, "hydroelectric facility" means a 37451
hydroelectric generating facility that is located at a dam on a 37452
river, or on any water discharged to a river, that is within or 37453
bordering this state or within or bordering an adjoining state and 37454
meets all of the following standards: 37455

(1) The facility provides for river flows that are not 37456
detrimental for fish, wildlife, and water quality, including 37457
seasonal flow fluctuations as defined by the applicable licensing 37458
agency for the facility. 37459

(2) The facility demonstrates that it complies with the water 37460
quality standards of this state, which compliance may consist of 37461
certification under Section 401 of the "Clean Water Act of 1977," 37462
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 37463
not contributed to a finding by this state that the river has 37464
impaired water quality under Section 303(d) of the "Clean Water 37465
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 37466

(3) The facility complies with mandatory prescriptions 37467
regarding fish passage as required by the federal energy 37468
regulatory commission license issued for the project, regarding 37469
fish protection for riverine, anadromous, and catadromous fish. 37470

(4) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(5) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(6) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(7) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(8) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

Sec. 3706.29. The Ohio air quality development authority shall, in accordance with Chapter 119. of the Revised Code, adopt any rules necessary to implement ~~section 166.30 and~~ sections 3706.25 to 3706.28 of the Revised Code.

Sec. 3707.70. As used in this section and sections 3707.71 to

3707.77 of the Revised Code: 37501

(A) "Board of health" means a board of health of a city or 37502
general health district or the authority having the duties of a 37503
board of health under section 3709.05 of the Revised Code. 37504

(B) "Fetal death" means death prior to the complete expulsion 37505
or extraction from its mother of a product of human conception, 37506
irrespective of the duration of pregnancy, which after such 37507
expulsion or extraction does not breathe or show any other 37508
evidence of life such as beating of the heart, pulsation of the 37509
umbilical cord, or definite movement of voluntary muscles. 37510

(C) "Infant" means a child who is less than one year of age. 37511

Sec. 3707.71. (A) A board of health may, in accordance with 37512
rules adopted under section 3701.049 of the Revised Code, 37513
establish and operate a fetal-infant mortality review board to 37514
review both of the following: 37515

(1) Each fetal death experienced by a woman who was, at the 37516
time of the fetal death, a resident of the health district in 37517
which the board exercises authority; 37518

(2) Each death of an infant who was, at the time of death, a 37519
resident of the health district in which the board exercises 37520
authority. 37521

(B) A fetal-infant mortality review board may not conduct a 37522
review of a death while an investigation of the death or 37523
prosecution of a person for causing the death is pending unless 37524
the prosecuting attorney agrees to allow the review. The law 37525
enforcement agency conducting the criminal investigation, on the 37526
conclusion of the investigation, and the prosecuting attorney 37527
prosecuting the case, on the conclusion of the prosecution, shall 37528
notify the chairperson of the review board of the conclusion. 37529

Sec. 3707.72. (A)(1) If a board of health establishes a fetal-infant mortality review board under section 3707.71 of the Revised Code, the board, by a majority vote of a quorum of its members, shall select the board's members. Members may include the following professionals or individuals representing the following constituencies:

(a) Fetal-infant mortality review coordinators;

(b) Physicians who are board-certified in obstetrics and gynecology by a certifying board recognized by the American board of medical specialties;

(c) Key community leaders from the board of health's jurisdiction;

(d) Health care providers;

(e) Human services providers;

(f) Consumer and advocacy groups;

(g) Community action teams.

(2) A majority of the board members specified in division (A)(1) of this section may invite additional individuals to serve on the board. The additional members shall serve for a period of time determined by a majority of the board members specified in division (A)(1) of this section and shall have the same authority, duties, and responsibilities as members specified in that division.

(3) A board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson.

(B) A vacancy on a board shall be filled in the same manner as the original appointment.

(C) A board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to,

fulfilling the member's duties on the board. 37559

(D) A board may work in conjunction with, or be a component of, a child fatality review board or regional child fatality review board created under section 307.621 of the Revised Code. 37560
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(E) A board shall convene at least once a year at the call of the board's chairperson. 37563
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Sec. 3707.73. The purpose of a fetal-infant mortality review board is to decrease the incidence of preventable infant and fetal deaths by doing all of the following: 37565
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(A) Assessing, planning, improving, and monitoring the service systems and broad community resources that support and promote the health and well-being of women, infants, and families; 37568
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(B) Recommending and developing plans for implementing local service and program changes, as well as changes to the groups, professions, agencies, and entities that serve families, children, and pregnant women; 37571
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(C) Providing the department of health with aggregate data, trends, and patterns regarding fetal and infant deaths. 37575
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Sec. 3707.74. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, an individual, public children services agency, private child placing agency, agency that provides services specifically to individuals or families, a law enforcement agency, or another public or private entity that provided services to a pregnant woman whose fetus died or an infant who died if the death is being reviewed by a fetal-infant mortality review board shall submit to the board copies of any record it possesses that the board requests. These records may include maternal health records. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be 37577
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useful to the board's investigation. 37589

(B) No person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a fetal death or death of an infant to a fetal-infant mortality review board while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney has agreed pursuant to division (B) of section 3707.71 of the Revised Code to allow review of the death. 37590
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(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation. 37597
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Sec. 3707.75. (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any record, document, report, or other information presented to a fetal-infant mortality review board or a person abstracting such materials on the board's behalf, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code, are confidential. Such materials shall be used by the board and department of health only in the exercise of the proper functions of the review board and the department. 37601
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If the materials are presented to the board or a person abstracting the materials on the board's behalf in paper form, the materials shall be stored in a locked file cabinet. If a database is used to store the materials electronically, the database shall be stored in a secure manner. All information accessible to each board member and used during a review, including information 37613
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provided by the deceased's mother, shall be de-identified. 37619

(B) No person shall permit or encourage the authorized 37620
dissemination of confidential information described in division 37621
(A) of this section. 37622

(C) Whoever violates division (B) of this section is guilty 37623
of a misdemeanor of the second degree. 37624

Sec. 3707.76. (A) An individual or public or private entity 37625
providing records, documents, reports, or other information to a 37626
fetal-infant mortality review board is immune from any civil 37627
liability for injury, death, or loss to person or property that 37628
otherwise might be incurred or imposed as a result of providing 37629
the records, documents, reports, or information to the board. 37630

(B) Each board member is immune from any civil liability for 37631
injury, death, or loss to person or property that might otherwise 37632
be incurred or imposed as a result of the member's participation 37633
on the board. 37634

Sec. 3707.77. Not later than the first day of April of each 37635
year, a fetal-infant mortality review board shall do both of the 37636
following: 37637

(A) Submit to the fetal-infant mortality database maintained 37638
by the department of health or the national infant death review 37639
database individual data pertaining to each fetal or infant death 37640
reviewed in that board's jurisdiction within the twelve months 37641
immediately before the submission. The specific data to be 37642
submitted, as well as other information the board considers 37643
relevant to a review, shall be specified by the director of health 37644
in rules adopted under section 3701.049 of the Revised Code. 37645

(B) Submit to the department of health a report that 37646
summarizes any trends or patterns identified by the board. The 37647
report may include recommendations on how to decrease the 37648

incidence of preventable fetal and infant deaths in the board's 37649
jurisdiction and the state, as well as any other information the 37650
board determines should be included. 37651

(C) Reports prepared under division (B) of this section are 37652
public records under section 149.43 of the Revised Code. 37653

Sec. 3710.01. As used in this chapter: 37654

(A) "Asbestos" means the asbestiform varieties of serpentine 37655
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 37656
anthophyllite, and actinolite-tremolite as determined using the 37657
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 37658
Section 1, Polarized Light Microscopy (PLM). 37659

(B) "Asbestos hazard abatement activity" means any activity 37660
involving the removal, renovation, enclosure, repair, ~~or~~ 37661
encapsulation, or operations and maintenance of reasonably related 37662
friable asbestos-containing materials in an amount greater than 37663
fifty three linear feet or fifty three square feet. "Asbestos 37664
~~hazard abatement activity~~" ~~also includes any such activity~~ 37665
~~involving such asbestos containing materials in an amount of fifty~~ 37666
~~linear or fifty square feet or less if, when combined with any~~ 37667
~~other reasonably related activity in terms of time and location of~~ 37668
~~the activity, the total amount is in an amount greater than fifty~~ 37669
~~linear or fifty square feet.~~ 37670

(C) "Asbestos hazard abatement contractor" means a business 37671
entity or public entity that engages in or intends to engage in 37672
asbestos hazard abatement ~~activities~~ projects and that employs or 37673
supervises one or more asbestos hazard abatement specialists for 37674
asbestos hazard abatement activities. "Asbestos hazard abatement 37675
contractor" does not mean an employee of an asbestos hazard 37676
abatement contractor, a general contractor who subcontracts to an 37677
asbestos hazard abatement contractor an asbestos hazard abatement 37678
~~activity~~ project, or any individual who engages in an asbestos 37679

hazard abatement ~~activity~~ project in the individual's own home. 37680

(D) "Asbestos hazard abatement project" means one or more 37681
asbestos hazard abatement activities ~~that are~~ the sum total of 37682
which is greater than fifty linear feet or fifty square feet of 37683
friable asbestos-containing materials and is conducted by one 37684
asbestos hazard abatement contractor ~~and that are reasonably~~ 37685
~~related to each other.~~ "Asbestos hazard abatement project" 37686
includes any such activity involving such friable 37687
asbestos-containing materials in an amount of fifty linear feet or 37688
fifty square feet or less if, when combined with any other 37689
reasonably related activity in terms of time or location of the 37690
activity, the total amount is in an amount greater than fifty 37691
linear feet or fifty square feet. 37692

(E) "Asbestos hazard abatement specialist" means a person 37693
with responsibility for the oversight or supervision of asbestos 37694
hazard abatement activities, including asbestos hazard abatement 37695
project managers, hazard abatement project supervisors and 37696
foremen, and employees of school districts or other governmental 37697
or public entities who coordinate or directly supervise or oversee 37698
asbestos hazard abatement activities performed by school district, 37699
governmental, or other public employees in school district, 37700
governmental, or other public buildings. 37701

(F) "Asbestos hazard evaluation specialist" means a person 37702
responsible for the inspection, identification, detection, and 37703
assessment of asbestos-containing materials or suspect 37704
asbestos-containing materials, the determination of appropriate 37705
response actions, or the preparation of asbestos management plans 37706
for the purpose of protecting the public health from the hazards 37707
associated with exposure to asbestos, including the performance of 37708
air and bulk sampling. This category of specialists includes 37709
inspectors, management planners, health professionals, industrial 37710
hygienists, private consultants, or other individuals involved in 37711

asbestos risk identification or assessment or regulatory 37712
activities. 37713

(G) "Business entity" means a partnership, firm, association, 37714
corporation, sole proprietorship, or other business concern. 37715

(H) "Public entity" means the state or any of its political 37716
subdivisions or any agency or instrumentality of either. 37717

(I) "License" means a document issued by the director of 37718
environmental protection to a business entity or public entity 37719
affirming that the entity has met the requirements set forth in 37720
this chapter to engage in asbestos hazard abatement ~~activities~~ 37721
projects as an asbestos hazard abatement contractor. 37722

(J) "Certificate" means: 37723

(1) A document issued by the director to an individual 37724
affirming that the individual has successfully completed the 37725
training and other requirements set forth in this chapter to 37726
qualify as an asbestos hazard abatement specialist, an asbestos 37727
hazard evaluation specialist, an asbestos hazard abatement worker, 37728
an asbestos hazard abatement project designer, an asbestos hazard 37729
abatement air-monitoring technician, an approved asbestos hazard 37730
training provider, or other category of asbestos hazard specialist 37731
that the director establishes by rule; or 37732

(2) A document issued by a training institution in accordance 37733
with rules adopted by the director affirming that an individual 37734
has successfully completed the instruction required in all 37735
categories as provided in sections 3710.07 and 3710.10 of the 37736
Revised Code. 37737

(K) "Person" means any individual, business entity, 37738
governmental body, or other public or private entity. 37739

(L) "Encapsulate" means to coat, bind, or resurface walls, 37740
ceilings, pipes, or other structures for asbestos-containing 37741

materials with suitable products to prevent friable asbestos from 37742
becoming airborne. 37743

(M) "Friable asbestos-containing material" means friable 37744
asbestos material as defined in rules adopted under Chapter 3704. 37745
of the Revised Code. 37746

(N) "Enclosure" means the permanent confinement of friable 37747
asbestos-containing materials with an airtight barrier in an area 37748
not used as an air plenum. 37749

(O) "Renovation" means altering a facility or one or more 37750
facility components in any way, including the stripping or removal 37751
of friable asbestos-containing material from a facility component. 37752

(P) "Asbestos hazard abatement worker" means the person 37753
responsible in a nonsupervisory capacity for the performance of an 37754
asbestos hazard abatement activity. 37755

(Q) "Asbestos hazard abatement project designer" means the 37756
person responsible for the oversight of an asbestos hazard 37757
abatement activity or the determination of the workscope, work 37758
sequence, or performance standards for an asbestos hazard 37759
abatement activity, including preparation of specifications, 37760
plans, and contract documents. 37761

(R) "Clearance air sampling" means an air sampling performed 37762
after the completion of any asbestos hazard abatement ~~activity~~ 37763
project and prior to the reoccupation of the contained work area 37764
by the public and conducted for the purpose of protecting the 37765
public from the health hazards associated with exposure to friable 37766
asbestos-containing material. 37767

(S) "Asbestos hazard abatement air-monitoring technician" 37768
means the person who is responsible for environmental monitoring 37769
or work area clearance air sampling, including air monitoring 37770
performed to determine completion of response actions under the 37771
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 37772

States environmental protection agency pursuant to the "Asbestos 37773
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 37774
2970. "Asbestos hazard abatement air-monitoring technician" does 37775
not mean an industrial hygienist ~~or industrial hygienist in~~ 37776
~~training~~, certified by the American board of industrial hygiene. 37777

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 37778
contractor's license, a business entity or public entity shall 37779
meet the requirements of this section. 37780

(B) Each employee or agent of the business entity or public 37781
entity applying for a license who will come in contact with 37782
asbestos or will be responsible for an asbestos hazard abatement 37783
~~project~~ activity shall: 37784

(1) Be familiar with all applicable state and federal 37785
standards for asbestos hazard abatement projects; 37786

(2) Have successfully completed the course of instruction on 37787
asbestos hazard abatement activities, for their particular 37788
certification, approved by the Ohio environmental protection 37789
agency pursuant to section 3710.10 of the Revised Code, have 37790
passed an examination approved by the agency, and demonstrate to 37791
the agency that the employee or agent is capable of complying with 37792
all applicable standards of this state, the United States 37793
environmental protection agency, and the United States 37794
occupational safety and health administration. 37795

(C) A business entity or public entity applying for an 37796
asbestos hazard abatement contractor's license shall, in addition 37797
to the other requirements of this section, provide at least one 37798
asbestos hazard abatement specialist, certified pursuant to this 37799
chapter and the rules adopted under it, for each asbestos hazard 37800
abatement project, and demonstrate to the satisfaction of the Ohio 37801
environmental protection agency that the applicant: 37802

(1) Has access to at least one asbestos disposal site 37803
approved by the agency that is sufficient for the deposit of all 37804
asbestos waste that the applicant will generate during the term of 37805
the license; 37806

(2) Is sufficiently qualified to safely remove asbestos, 37807
demonstrated by reliability as an asbestos hazard abatement 37808
contractor, possesses a work program that prevents the 37809
contamination or recontamination of the environment and protects 37810
the public health from the hazards of exposure to asbestos, 37811
possesses evidence of certification of each individual employee or 37812
agent who will be responsible for others who may come in contact 37813
with friable asbestos-containing materials, possesses evidence of 37814
training of workers required by section 3710.07 of the Revised 37815
Code, and has prior successful experience in asbestos hazard 37816
abatement projects or equivalent qualifications as determined in 37817
accordance with rules adopted by the director of environmental 37818
protection; 37819

(3) Possesses a worker protection program consistent with 37820
requirements established by the director if the contractor is a 37821
public entity, and a worker protection program consistent with the 37822
requirements of the United States occupational safety and health 37823
administration if the contractor is a business entity; 37824

(4) Is registered as a business entity with the secretary of 37825
state. 37826

(D) No applicant for licensure as an asbestos hazard 37827
abatement contractor, in order to meet the requirements of this 37828
chapter, shall list an employee of another contractor. 37829

(E) The business entity or public entity shall meet any other 37830
standards that the director, by rule, sets. 37831

(F) Nothing in this chapter or the rules adopted pursuant 37832
thereto relating to asbestos hazard abatement project designers 37833

shall be interpreted as authorizing or permitting an individual 37834
who is certified as an asbestos hazard abatement project designer 37835
to perform the services of a registered architect or professional 37836
engineer unless that person is registered under Chapter 4703. or 37837
4733. of the Revised Code to perform such services. 37838

Sec. 3710.05. (A) Except as otherwise provided in this 37839
chapter, no person shall engage in any asbestos hazard abatement 37840
activities in this state unless licensed or certified pursuant to 37841
this chapter. 37842

(B) To apply for licensure as an asbestos hazard abatement 37843
contractor or certification as an asbestos hazard abatement 37844
specialist, an asbestos hazard evaluation specialist, an asbestos 37845
hazard abatement project designer, or an asbestos hazard abatement 37846
air-monitoring technician, a person shall do all of the following: 37847

(1) Submit a completed application to the director of 37848
environmental protection, on a form provided by the agency; 37849

(2) Pay the requisite fee as provided in division (D) of this 37850
section; 37851

(3) Submit any other information the director by rule 37852
requires. 37853

(C) The application form for a business entity or public 37854
entity applying for an asbestos hazard abatement contractor's 37855
license shall include all of the following: 37856

(1) A description of the protective clothing and respirators 37857
that the public entity will use to comply with rules adopted by 37858
the director and that the business entity will use to comply with 37859
requirements of the United States occupational safety and health 37860
administration; 37861

(2) A description of procedures the business entity or public 37862
entity will use for the selection, utilization, handling, removal, 37863

and disposal of clothing to prevent contamination or	37864
recontamination of the environment and to protect the public	37865
health from the hazards associated with exposure to asbestos;	37866
(3) The name and address of each asbestos disposal site that	37867
the business entity or public entity might use during the year;	37868
(4) A description of the site decontamination procedures that	37869
the business entity or public entity will use;	37870
(5) A description of the asbestos hazard abatement procedures	37871
that the business entity or public entity will use;	37872
(6) A description of the procedures that the business entity	37873
or public entity will use for handling waste containing asbestos;	37874
(7) A description of the air-monitoring procedures that the	37875
business entity or public entity will use to prevent contamination	37876
or recontamination of the environment and to protect the public	37877
health from the hazards of exposure to asbestos;	37878
(8) A description of the final clean-up procedures that the	37879
business entity or public entity will use;	37880
(9) A list of all partners, owners, and officers of the	37881
business entity along with their social security numbers;	37882
(10) The federal tax identification number of the business	37883
entity or the public entity.	37884
(D) The fees to be charged to each public entity, except for	37885
the agency, and each business entity and their employees and	37886
agents for licensure, certification, approval, and renewal of	37887
licenses, certifications, and approvals granted under this	37888
chapter, subject to division (A)(4) of section 3710.02 of the	37889
Revised Code, are:	37890
(1) Seven hundred fifty dollars for asbestos hazard abatement	37891
contractors;	37892
(2) Two hundred dollars for asbestos hazard abatement project	37893

designers;	37894
(3) Fifty dollars for asbestos hazard abatement workers;	37895
(4) Two hundred dollars for asbestos hazard abatement specialists;	37896 37897
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	37898 37899
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	37900 37901
(E) Notwithstanding division (A) of this section, no business entity which that engages in asbestos hazard abatement activities <u>projects</u> solely at its own place of business is required to be	37902 37903 37904
licensed as an asbestos hazard abatement contractor provided that	37905
the business entity is required to and does comply with all	37906
applicable standards of the United States environmental protection	37907
agency and the United States occupational safety and health	37908
administration and provided further that all persons employed by	37909
the business entity on the activity <u>project</u> meet the requirements	37910
of this chapter.	37911
 Sec. 3710.051. No person <u>asbestos hazard abatement contractor</u>	37912
shall enter into an agreement to perform any aspect of an asbestos	37913
hazard abatement project unless the agreement is written and	37914
contains at least all of the following:	37915
(A) A requirement that all persons working on the project are	37916
licensed or certified by the director of environmental protection	37917
as required by this chapter;	37918
(B) A requirement that all project clearance levels and	37919
sampling be in accordance with rules adopted by the director;	37920
(C) A requirement that all clearance air-monitoring be	37921
conducted by asbestos hazard abatement air-monitoring technicians	37922
or asbestos hazard evaluation specialists certified by the	37923

director. 37924

Sec. 3710.06. (A) Within fifteen business days after 37925
receiving an application, the director of environmental protection 37926
shall acknowledge receipt of the application and notify the 37927
applicant of any deficiency in the application. Within sixty 37928
calendar days after receiving a completed application, including 37929
all additional information requested by the director, the director 37930
shall issue a license or certificate or deny the application. The 37931
director shall issue only one license or certificate that is in 37932
effect at one time to a business entity and its principal officers 37933
and a public entity and its principal officers. 37934

(B)(1) The director shall deny an application if it 37935
determines that the applicant has not demonstrated the ability to 37936
comply fully with all applicable federal and state requirements 37937
and all requirements, procedures, and standards established by the 37938
director in this chapter, Chapter 3704. of the Revised Code, or 37939
rules adopted under those chapters, as those chapters and rules 37940
pertain to asbestos. 37941

(2) The director shall deny any application for an asbestos 37942
hazard abatement contractor's license if the applicant or an 37943
officer or employee of the applicant has been convicted of a 37944
felony or found liable in a civil proceeding under any state or 37945
federal law designed to protect the environment. 37946

(3) The director shall send all denials of an application by 37947
certified mail to the applicant. If the director receives a timely 37948
request for a hearing from the applicant on the proposed denial of 37949
an application, the director shall hold a hearing in accordance 37950
with Chapter 119. of the Revised Code, as provided in division (A) 37951
of section 3710.13 of the Revised Code. 37952

(C) In an emergency that results from a sudden, unexpected 37953
event that is not a planned asbestos hazard abatement project, the 37954

director may waive the requirements for a license ~~or certificate~~. 37955
For the purposes of this division, "emergency" includes operations 37956
necessitated by nonroutine failures of equipment or by actions of 37957
fire and emergency medical personnel pursuant to duties within 37958
their official capacities. Any person who performs an asbestos 37959
hazard abatement ~~activity~~ project under emergency conditions shall 37960
notify the director within three days after performance thereof. 37961

(D) Each license or certificate issued under this chapter 37962
expires one year after the date of issue, but each licensee or 37963
certificate holder may apply to the environmental protection 37964
agency for the extension of the holder's license or certificate 37965
under the standard renewal procedures of Chapter 4745. of the 37966
Revised Code. 37967

To qualify for renewal of a license or certificate issued 37968
under this chapter, each licensee or certificate holder shall send 37969
the appropriate renewal fee set forth in division (D) of section 37970
3710.05 of the Revised Code or as adopted by rule by the director 37971
pursuant to division (A)(4) of section 3710.02 of the Revised 37972
Code. 37973

Certificate holders also shall successfully complete an 37974
annual renewal course approved by the agency pursuant to section 37975
3710.10 of the Revised Code. 37976

(E) The director may charge a fee in addition to those 37977
specified in division (D) of section 3710.05 of the Revised Code 37978
or in rules adopted by the director pursuant to division (A)(4) of 37979
section 3710.02 of the Revised Code if the licensee or certificate 37980
holder applies for renewal after the expiration thereof or 37981
requests a reissuance of any license or certificate, provided that 37982
no such fee shall exceed the original fees by more than fifty per 37983
cent. 37984

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 37985

abatement project, an asbestos hazard abatement contractor shall 37986
do all of the following: 37987

(1) Prepare a written respiratory protection program as 37988
defined by the director of environmental protection pursuant to 37989
rule, and make the program available to the environmental 37990
protection agency, and workers at the job site if the contractor 37991
is a public entity or prepare a written respiratory protection 37992
program, consistent with 29 C.F.R. 1910.134 and make the program 37993
available to the agency, and workers at the job site if the 37994
contractor is a business entity; 37995

(2) Ensure that each worker who will be involved in any 37996
asbestos hazard abatement project has been examined within the 37997
preceding year and has been declared by a physician to be 37998
physically capable of working while wearing a respirator; 37999

(3) Ensure that each of the contractor's employees or agents 38000
who will come in contact with asbestos-containing materials or 38001
will be responsible for an asbestos hazard abatement project 38002
receives the appropriate certification or licensure required by 38003
this chapter and the following training: 38004

(a) An initial course approved by the agency pursuant to 38005
section 3710.10 of the Revised Code, completed before engaging in 38006
any asbestos hazard abatement ~~project~~ activity; and 38007

(b) An annual review course approved by the agency pursuant 38008
to section 3710.10 of the Revised Code. 38009

(B) After obtaining or renewing a license, an asbestos hazard 38010
abatement contractor shall notify the agency, on a form approved 38011
by the director, at least ten working days before beginning each 38012
asbestos hazard abatement project conducted during the term of the 38013
contractor's license. 38014

(C) In addition to any other fee imposed under this chapter, 38015
an asbestos hazard abatement contractor shall pay, at the time of 38016

providing notice under division (B) of this section, the agency a 38017
fee of sixty-five dollars for each asbestos hazard abatement 38018
project conducted. 38019

Sec. 3710.08. (A) An asbestos hazard abatement contractor 38020
engaging in any asbestos hazard abatement project shall, during 38021
the course of the project: 38022

(1) Conduct each project in a manner that is in compliance 38023
with the requirements the director of environmental protection 38024
adopts pursuant to section 3704.03 of the Revised Code and the 38025
asbestos requirements of the United States occupational safety and 38026
health administration set forth in 29 C.F.R. 1926.1101; 38027

(2) Comply with all applicable rules adopted by the director 38028
of environmental protection pursuant to sections 3704.03 and 38029
3710.02 of the Revised Code. 38030

(B) An asbestos hazard abatement contractor that is a public 38031
entity shall: 38032

(1) Provide workers with protective clothing and equipment 38033
and ensure that the workers involved in any asbestos hazard 38034
abatement project use the items properly. Protective clothing and 38035
equipment shall include: 38036

(a) Respirators approved by the national institute of 38037
occupational safety and health. These respirators shall be fit 38038
tested in accordance with requirements of the United States 38039
occupational safety and health administration set forth in 29 38040
C.F.R. 1926.1101. At the request of an employee, the asbestos 38041
hazard abatement contractor shall provide the employee with a 38042
powered air purifying respirator, in which case, the testing 38043
requirements of division (B)(1)(a) of this section do not apply. 38044

(b) Items required by the director by rule as provided in 38045
division (A)(7) of section 3710.02 of the Revised Code. 38046

(2) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to section 3710.02 of the Revised Code.

(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~ activity shall, during the course of the ~~project~~ activity:

(1) Conduct each ~~project~~ activity in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code;

(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos;

(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;

(4) Ensure that there is no smoking, eating, or drinking in the work area;

(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

(E) Every asbestos hazard abatement worker shall comply with 38078
all applicable standards adopted by the director pursuant to 38079
sections 3704.03 and 3710.02 of the Revised Code. 38080

~~(F) The director may, on a case by case basis, approve an 38081
alternative to the worker protection requirements of divisions 38082
(A), (B), and (C) of this section for an asbestos hazard abatement 38083
project conducted by a public entity, provided that the asbestos 38084
hazard abatement contractor submits the alternative procedure to 38085
the director in writing and demonstrates to the satisfaction of 38086
the director that the proposed alternative procedure provides 38087
equivalent worker protection. 38088~~

Sec. 3710.12. Subject to section 3710.13 of the Revised Code, 38089
the director of environmental protection may deny, suspend, or 38090
revoke any license or certificate, or renewal thereof, if the 38091
licensee or certificate holder: 38092

(A) Fraudulently or deceptively obtains or attempts to obtain 38093
a license or certificate; 38094

(B) Fails at any time to meet the qualifications for a 38095
license or certificate; 38096

(C) Is violating or threatening to violate any provisions of 38097
any of the following: 38098

(1) This chapter, Chapters 3704. and 3745. of the Revised 38099
Code, or the rules of the director adopted pursuant to those 38100
chapters, as those chapters and rules pertain to asbestos; 38101

(2) The "National Emission Standard for Hazardous Air 38102
Pollutants" regulations of the United States environmental 38103
protection agency as the regulations pertain to asbestos; 38104

(3) The regulations of the United States occupational safety 38105
and health administration as the regulations pertain to asbestos; 38106

(4) The regulations adopted by the United States 38107

environmental protection agency pursuant to the "Asbestos Hazard 38108
Emergency Response Act," Title II of the "Federal Toxic Substances 38109
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 38110

Sec. 3711.02. (A) Except as provided in division (B) of this 38111
section, no person shall operate any of the following, unless the 38112
person holds the appropriate license issued under this chapter and 38113
the license is valid: 38114

(1) A maternity unit; 38115

(2) A newborn care nursery; 38116

(3) A maternity home. 38117

(B) Division (A) of this section does not apply to a health 38118
care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of 38119
the Revised Code. 38120

Sec. 3717.22. (A) The following are not retail food 38121
establishments: 38122

(1) A food service operation licensed under this chapter, 38123
including a food service operation that provides the services of a 38124
retail food establishment pursuant to an endorsement issued under 38125
section 3717.44 of the Revised Code; 38126

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 38127
(13) of section 3717.42 of the Revised Code from the requirement 38128
to be licensed as a food service operation and an entity exempt 38129
under division (B)(10) of that section if the entity is regulated 38130
by the department of agriculture as a food processing 38131
establishment under section 3715.021 of the Revised Code; 38132

(3) A business or that portion of a business that is 38133
regulated by the federal government or the department of 38134
agriculture as a food manufacturing or food processing business, 38135
including a business or that portion of a business regulated by 38136

the department of agriculture under Chapter 911., 913., 915., 38137
917., 918., or 925. of the Revised Code. 38138

(B) All of the following are exempt from the requirement to 38139
be licensed as a retail food establishment: 38140

(1) An establishment with commercially prepackaged foods that 38141
are not potentially hazardous and contained in displays, the total 38142
space of which equals less than two hundred cubic feet; 38143

(2) A person at a farmers market that is registered with the 38144
director of agriculture pursuant to section 3717.221 of the 38145
Revised Code that offers for sale only one or more of the 38146
following: 38147

(a) Fresh unprocessed fruits or vegetables; 38148

(b) Products of a cottage food production operation; 38149

(c) Maple syrup, sorghum, honey, apple syrup, or apple butter 38150
that is produced by a maple syrup or sorghum producer, beekeeper, 38151
or apple syrup or apple butter processor described in division (A) 38152
of section 3715.021 of the Revised Code; 38153

(d) Wine as authorized under section 4303.2010 of the Revised 38154
Code; 38155

(e) Commercially prepackaged food that is not potentially 38156
hazardous, on the condition that the food is contained in 38157
displays, the total space of which equals less than one hundred 38158
cubic feet on the premises where the person conducts business at 38159
the farmers market. 38160

(3) A person who offers for sale at a roadside stand only 38161
fresh fruits and fresh vegetables that are unprocessed; 38162

(4) A nonprofit organization exempt from federal income 38163
taxation under section 501(c)(3) of the "Internal Revenue Code of 38164
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 38165
funds by selling foods and that, if required to be licensed, would 38166

be classified as risk level one in accordance with rules 38167
establishing licensing categories for retail food establishments 38168
adopted under section 3717.33 of the Revised Code, if the sales 38169
occur inside a building and are for not more than seven 38170
consecutive days or more than fifty-two separate days during a 38171
licensing period. This exemption extends to any individual or 38172
group raising all of its funds during the time periods specified 38173
in division (B)(4) of this section for the benefit of the 38174
nonprofit organization by selling foods under the same conditions. 38175

(5) An establishment that offers food contained in displays 38176
of less than five hundred square feet, and if required to be 38177
licensed would be classified as risk level one pursuant to rules 38178
establishing licensing categories for retail food establishments 38179
adopted under section 3717.33 of the Revised Code, on the 38180
condition that the establishment offers the food for sale at 38181
retail not more than six months in each calendar year; 38182

(6) A cottage food production operation, on the condition 38183
that the operation offers its products directly to the consumer 38184
from the site where the products are produced; 38185

(7) A maple syrup and sorghum processor, beekeeper, or apple 38186
syrup and apple butter processor described in division (A) of 38187
section 3715.021 of the Revised Code, on the condition that the 38188
processor or beekeeper offers only maple syrup, sorghum, honey, 38189
apple syrup, or apple butter directly to the consumer from the 38190
site where those products are processed; 38191

(8) A person who annually maintains five hundred or fewer 38192
birds, on the condition that the person offers the eggs from those 38193
birds directly to the consumer from the location where the eggs 38194
are produced or at a farm product auction to which division 38195
(B)(11) of this section applies; 38196

(9) A person who annually raises and slaughters one thousand 38197

or fewer chickens, on the condition that the person offers dressed 38198
chickens directly to the consumer from the location where the 38199
chickens are raised and slaughtered or at a farm product auction 38200
to which division (B)(11) of this section applies; 38201

(10) A person who raises, slaughters, and processes the meat 38202
of nonamenable species described in divisions (A) and (B) of 38203
section 918.12 of the Revised Code, on the condition that the 38204
person offers the meat directly to the consumer from the location 38205
where the meat is processed or at a farm product auction to which 38206
division (B)(11) of this section applies; 38207

(11) A farm product auction, on the condition that it is 38208
registered with the director pursuant to section 3717.221 of the 38209
Revised Code that offers for sale at the farm product auction only 38210
one or more of the following: 38211

(a) The products described in divisions (B)(8) to (10) of 38212
this section that are produced, raised, slaughtered, or processed, 38213
as appropriate, by persons described in divisions (B)(8) to (10) 38214
of this section; 38215

(b) Fresh unprocessed fruits or vegetables; 38216

(c) Products of a cottage food production operation; 38217

(d) Maple syrup, sorghum, honey, apple syrup, or apple butter 38218
that is produced by a maple syrup or sorghum producer, beekeeper, 38219
or apple syrup or apple butter processor described in division (A) 38220
of section 3715.021 of the Revised Code. 38221

(12) An establishment that, with respect to offering food for 38222
sale, offers only alcoholic beverages or prepackaged beverages 38223
that are not potentially hazardous; 38224

(13) An establishment that, with respect to offering food for 38225
sale, offers only alcoholic beverages, prepackaged beverages that 38226
are not potentially hazardous, or commercially prepackaged food 38227

that is not potentially hazardous, on the condition that the 38228
commercially prepackaged food is contained in displays, the total 38229
space of which equals less than two hundred cubic feet on the 38230
premises of the establishment; 38231

(14) An establishment that, with respect to offering food for 38232
sale, offers only fountain beverages that are not potentially 38233
hazardous; 38234

(15) A person who offers for sale only one or more of the 38235
following foods at a festival or celebration, on the condition 38236
that the festival or celebration is organized by a political 38237
subdivision of the state and lasts for a period not longer than 38238
seven consecutive days: 38239

(a) Fresh unprocessed fruits or vegetables; 38240

(b) Products of a cottage food production operation; 38241

(c) Maple syrup, sorghum, honey, apple syrup, or apple butter 38242
if produced by a maple syrup or sorghum processor, beekeeper, or 38243
apple syrup or apple butter processor as described in division (A) 38244
of section 3715.021 of the Revised Code; 38245

(d) Commercially prepackaged food that is not potentially 38246
hazardous, on the condition that the food is contained in 38247
displays, the total space of which equals less than one hundred 38248
cubic feet; 38249

(e) Fruit butter produced at the festival or celebration and 38250
sold from the production site. 38251

(16) A farm market on the condition that it is registered 38252
with the director pursuant to section 3717.221 of the Revised Code 38253
that offers for sale at the farm market only one or more of the 38254
following: 38255

(a) Fresh unprocessed fruits or vegetables; 38256

(b) Products of a cottage food production operation; 38257

(c) Maple syrup, sorghum, honey, apple syrup, or apple butter 38258
that is produced by a maple syrup or sorghum producer, beekeeper, 38259
or apple syrup or apple butter processor described in division (A) 38260
of section 3715.021 of the Revised Code; 38261

(d) Commercially prepackaged food that is not potentially 38262
hazardous, on the condition that the food is contained in 38263
displays, the total space of which equals less than one hundred 38264
cubic feet on the premises where the person conducts business at 38265
the farm market; 38266

(e) Cider and other juices manufactured on site at the farm 38267
market; 38268

(f) The products or items described in divisions (B)(8) to 38269
(10) of this section, on the condition that those products or 38270
items were produced by the person offering to sell them, and 38271
further conditioned that, with respect to eggs offered, the person 38272
offering to sell them annually maintains five hundred or fewer 38273
birds, and with respect to dressed chickens offered, the person 38274
annually raises and slaughters one thousand or fewer chickens. 38275

(17)(a) An establishment to which all of the following apply: 38276

(i) The establishment serves commercially prepackaged food in 38277
a form that prevents direct human contact prior to and during 38278
service; 38279

(ii) Sales of the prepackaged food do not exceed more than 38280
five per cent of the total gross receipts of the establishment; 38281

(iii) The establishment has been issued an A-2 permit under 38282
section 4303.03 or an A-2f permit under section 4303.031 of the 38283
Revised Code and annually produces ten thousand gallons or less of 38284
wine; 38285

(b) The owner or operator of the establishment shall notify 38286
the director that it is exempt from licensure because it qualifies 38287

under division (B)(17)(a) of this section. The owner or operator 38288
also shall disclose to customers that the establishment is exempt 38289
from licensure. 38290

Sec. 3721.026. (A) If the operation of a nursing home is 38291
assigned or transferred to a different person, the person to whom 38292
the operation is assigned or transferred must, before the director 38293
of health may issue a license authorizing the person to operate 38294
the nursing home, submit to the director documentation showing 38295
that the person meets all of the following requirements: 38296

(1) Unless the assignment or transfer is in the form of a 38297
lease of the nursing home, the person has financial resources that 38298
the director determines are sufficient to cover any reasonably 38299
anticipated revenue shortfall for at least twelve months after the 38300
assignment or transfer. 38301

(2) If the assignment or transfer is in the form of a lease 38302
of the nursing home, either of the following applies to the 38303
person: 38304

(a) The person has obtained a bond that has a term of at 38305
least twelve months, has an annual renewal, and is for an amount 38306
not less than one million dollars. 38307

(b) If the person is unable to obtain a bond that meets the 38308
requirements of division (A)(2)(a) of this section at a cost the 38309
director determines to be reasonable or operates other nursing 38310
homes in this state, the person has financial resources that the 38311
director determines are sufficient to cover any reasonably 38312
anticipated revenue shortfall for at least twelve months after the 38313
assignment or transfer. 38314

(3) The person has at least five years of experience as an 38315
operator, manager, or administrator of a nursing home. 38316

(4) The person has plans for quality assurance and risk 38317

management for the nursing home. 38318

(5) The person has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 38319
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(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home. 38322
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The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home. 38326
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(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. 38332
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Sec. 3721.13. (A) The rights of residents of a home shall include, but are not limited to, the following: 38336
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(1) The right to a safe and clean living environment pursuant to the medicare and medicaid programs and applicable state laws and rules adopted by the director of health; 38338
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(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality; 38341
38342
38343

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. 38344
38345
38346
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This care shall be provided without regard to considerations such 38348
as race, color, religion, national origin, age, or source of 38349
payment for care. 38350

(4) The right to have all reasonable requests and inquiries 38351
responded to promptly; 38352

(5) The right to have clothes and bed sheets changed as the 38353
need arises, to ensure the resident's comfort or sanitation; 38354

(6) The right to obtain from the home, upon request, the name 38355
and any specialty of any physician or other person responsible for 38356
the resident's care or for the coordination of care; 38357

(7) The right, upon request, to be assigned, within the 38358
capacity of the home to make the assignment, to the staff 38359
physician of the resident's choice, and the right, in accordance 38360
with the rules and written policies and procedures of the home, to 38361
select as the attending physician a physician who is not on the 38362
staff of the home. If the cost of a physician's services is to be 38363
met under a federally supported program, the physician shall meet 38364
the federal laws and regulations governing such services. 38365

(8) The right to participate in decisions that affect the 38366
resident's life, including the right to communicate with the 38367
physician and employees of the home in planning the resident's 38368
treatment or care and to obtain from the attending physician 38369
complete and current information concerning medical condition, 38370
prognosis, and treatment plan, in terms the resident can 38371
reasonably be expected to understand; the right of access to all 38372
information in the resident's medical record; and the right to 38373
give or withhold informed consent for treatment after the 38374
consequences of that choice have been carefully explained. When 38375
the attending physician finds that it is not medically advisable 38376
to give the information to the resident, the information shall be 38377
made available to the resident's sponsor on the resident's behalf, 38378

if the sponsor has a legal interest or is authorized by the 38379
resident to receive the information. The home is not liable for a 38380
violation of this division if the violation is found to be the 38381
result of an act or omission on the part of a physician selected 38382
by the resident who is not otherwise affiliated with the home. 38383

(9) The right to withhold payment for physician visitation if 38384
the physician did not visit the resident; 38385

(10) The right to confidential treatment of personal and 38386
medical records, and the right to approve or refuse the release of 38387
these records to any individual outside the home, except in case 38388
of transfer to another home, hospital, or health care system, as 38389
required by law or rule, or as required by a third-party payment 38390
contract; 38391

(11) The right to privacy during medical examination or 38392
treatment and in the care of personal or bodily needs; 38393

(12) The right to refuse, without jeopardizing access to 38394
appropriate medical care, to serve as a medical research subject; 38395

(13) The right to be free from physical or chemical 38396
restraints or prolonged isolation except to the minimum extent 38397
necessary to protect the resident from injury to self, others, or 38398
to property and except as authorized in writing by the attending 38399
physician for a specified and limited period of time and 38400
documented in the resident's medical record. Prior to authorizing 38401
the use of a physical or chemical restraint on any resident, the 38402
attending physician shall make a personal examination of the 38403
resident and an individualized determination of the need to use 38404
the restraint on that resident. 38405

Physical or chemical restraints or isolation may be used in 38406
an emergency situation without authorization of the attending 38407
physician only to protect the resident from injury to self or 38408
others. Use of the physical or chemical restraints or isolation 38409

shall not be continued for more than twelve hours after the onset 38410
of the emergency without personal examination and authorization by 38411
the attending physician. The attending physician or a staff 38412
physician may authorize continued use of physical or chemical 38413
restraints for a period not to exceed thirty days, and at the end 38414
of this period and any subsequent period may extend the 38415
authorization for an additional period of not more than thirty 38416
days. The use of physical or chemical restraints shall not be 38417
continued without a personal examination of the resident and the 38418
written authorization of the attending physician stating the 38419
reasons for continuing the restraint. 38420

If physical or chemical restraints are used under this 38421
division, the home shall ensure that the restrained resident 38422
receives a proper diet. In no event shall physical or chemical 38423
restraints or isolation be used for punishment, incentive, or 38424
convenience. 38425

(14) The right to the pharmacist of the resident's choice and 38426
the right to receive pharmaceutical supplies and services at 38427
reasonable prices not exceeding applicable and normally accepted 38428
prices for comparably packaged pharmaceutical supplies and 38429
services within the community; 38430

(15) The right to exercise all civil rights, unless the 38431
resident has been adjudicated incompetent pursuant to Chapter 38432
2111. of the Revised Code and has not been restored to legal 38433
capacity, as well as the right to the cooperation of the home's 38434
administrator in making arrangements for the exercise of the right 38435
to vote; 38436

(16) The right of access to opportunities that enable the 38437
resident, at the resident's own expense or at the expense of a 38438
third-party payer, to achieve the resident's fullest potential, 38439
including educational, vocational, social, recreational, and 38440
habilitation programs; 38441

(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

(a) Receive, send, and mail sealed, unopened correspondence;

(b) Reasonable access to a telephone for private communications;

(c) Private visits at any reasonable hour.	38473
(22) The right to assured privacy for visits by the spouse,	38474
or if both are residents of the same home, the right to share a	38475
room within the capacity of the home, unless not medically	38476
advisable as documented in the resident's medical record by the	38477
attending physician;	38478
(23) The right upon reasonable request to have room doors	38479
closed and to have them not opened without knocking, except in the	38480
case of an emergency or unless not medically advisable as	38481
documented in the resident's medical record by the attending	38482
physician;	38483
(24) The right to retain and use personal clothing and a	38484
reasonable amount of possessions, in a reasonably secure manner,	38485
unless to do so would infringe on the rights of other residents or	38486
would not be medically advisable as documented in the resident's	38487
medical record by the attending physician;	38488
(25) The right to be fully informed, prior to or at the time	38489
of admission and during the resident's stay, in writing, of the	38490
basic rate charged by the home, of services available in the home,	38491
and of any additional charges related to such services, including	38492
charges for services not covered under the medicare or medicaid	38493
program. The basic rate shall not be changed unless thirty days'	38494
notice is given to the resident or, if the resident is unable to	38495
understand this information, to the resident's sponsor.	38496
(26) The right of the resident and person paying for the care	38497
to examine and receive a bill at least monthly for the resident's	38498
care from the home that itemizes charges not included in the basic	38499
rates;	38500
(27)(a) The right to be free from financial exploitation;	38501
(b) The right to manage the resident's own personal financial	38502
affairs, or, if the resident has delegated this responsibility in	38503

writing to the home, to receive upon written request at least a 38504
quarterly accounting statement of financial transactions made on 38505
the resident's behalf. The statement shall include: 38506

(i) A complete record of all funds, personal property, or 38507
possessions of a resident from any source whatsoever, that have 38508
been deposited for safekeeping with the home for use by the 38509
resident or the resident's sponsor; 38510

(ii) A listing of all deposits and withdrawals transacted, 38511
which shall be substantiated by receipts which shall be available 38512
for inspection and copying by the resident or sponsor. 38513

(28) The right of the resident to be allowed unrestricted 38514
access to the resident's property on deposit at reasonable hours, 38515
unless requests for access to property on deposit are so 38516
persistent, continuous, and unreasonable that they constitute a 38517
nuisance; 38518

(29) The right to receive reasonable notice before the 38519
resident's room or roommate is changed, including an explanation 38520
of the reason for either change. 38521

(30) The right not to be transferred or discharged from the 38522
home unless the transfer is necessary because of one of the 38523
following: 38524

(a) The welfare and needs of the resident cannot be met in 38525
the home. 38526

(b) The resident's health has improved sufficiently so that 38527
the resident no longer needs the services provided by the home. 38528

(c) The safety of individuals in the home is endangered. 38529

(d) The health of individuals in the home would otherwise be 38530
endangered. 38531

(e) The resident has failed, after reasonable and appropriate 38532
notice, to pay or to have the medicare or medicaid program pay on 38533

the resident's behalf, for the care provided by the home. A 38534
resident shall not be considered to have failed to have the 38535
resident's care paid for if the resident has applied for medicaid, 38536
unless both of the following are the case: 38537

(i) The resident's application, or a substantially similar 38538
previous application, has been denied. 38539

(ii) If the resident appealed the denial, the denial was 38540
upheld. 38541

(f) The home's license has been revoked, the home is being 38542
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 38543
or section 5155.31 of the Revised Code, or the home otherwise 38544
ceases to operate. 38545

(g) The resident is a recipient of medicaid, and the home's 38546
participation in the medicaid program is involuntarily terminated 38547
or denied. 38548

(h) The resident is a beneficiary under the medicare program, 38549
and the home's participation in the medicare program is 38550
involuntarily terminated or denied. 38551

(31) The right to voice grievances and recommend changes in 38552
policies and services to the home's staff, to employees of the 38553
department of health, or to other persons not associated with the 38554
operation of the home, of the resident's choice, free from 38555
restraint, interference, coercion, discrimination, or reprisal. 38556
This right includes access to a residents' rights advocate, and 38557
the right to be a member of, to be active in, and to associate 38558
with persons who are active in organizations of relatives and 38559
friends of nursing home residents and other organizations engaged 38560
in assisting residents. 38561

(32) The right to have any significant change in the 38562
resident's health status reported to the resident's sponsor. As 38563
soon as such a change is known to the home's staff, the home shall 38564

make a reasonable effort to notify the sponsor within twelve 38565
hours. 38566

(33) The right, if the resident has requested the care and 38567
services of a hospice care program, to choose a hospice care 38568
program licensed under Chapter 3712. of the Revised Code that best 38569
meets the resident's needs. 38570

(B) A sponsor may act on a resident's behalf to assure that 38571
the home does not deny the residents' rights under sections 38572
3721.10 to 3721.17 of the Revised Code. 38573

(C) Any attempted waiver of the rights listed in division (A) 38574
of this section is void. 38575

Sec. 3734.57. (A) The following fees are hereby levied on the 38576
transfer or disposal of solid wastes in this state: 38577

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 38578
cents of the proceeds of which shall be deposited in the state 38579
treasury to the credit of the hazardous waste facility management 38580
fund created in section 3734.18 of the Revised Code and seventy 38581
cents of the proceeds of which shall be deposited in the state 38582
treasury to the credit of the hazardous waste clean-up fund 38583
created in section 3734.28 of the Revised Code; 38584

(2) An additional seventy-five cents per ton through June 30, 38585
~~2020~~ 2022, the proceeds of which shall be deposited in the state 38586
treasury to the credit of the waste management fund created in 38587
section 3734.061 of the Revised Code. 38588

(3) An additional two dollars and eighty-five cents per ton 38589
through June 30, ~~2020~~ 2022, the proceeds of which shall be 38590
deposited in the state treasury to the credit of the environmental 38591
protection fund created in section 3745.015 of the Revised Code; 38592

(4) An additional twenty-five cents per ton through June 30, 38593
~~2020~~ 2022, the proceeds of which shall be deposited in the state 38594

treasury to the credit of the soil and water conservation district 38595
assistance fund created in section 940.15 of the Revised Code. 38596

In the case of solid wastes that are taken to a solid waste 38597
transfer facility located in this state prior to being transported 38598
for disposal at a solid waste disposal facility located in this 38599
state or outside of this state, the fees levied under this 38600
division shall be collected by the owner or operator of the 38601
transfer facility as a trustee for the state. The amount of fees 38602
required to be collected under this division at such a transfer 38603
facility shall equal the total tonnage of solid wastes received at 38604
the facility multiplied by the fees levied under this division. In 38605
the case of solid wastes that are not taken to a solid waste 38606
transfer facility located in this state prior to being transported 38607
to a solid waste disposal facility, the fees shall be collected by 38608
the owner or operator of the solid waste disposal facility as a 38609
trustee for the state. The amount of fees required to be collected 38610
under this division at such a disposal facility shall equal the 38611
total tonnage of solid wastes received at the facility that was 38612
not previously taken to a solid waste transfer facility located in 38613
this state multiplied by the fees levied under this division. Fees 38614
levied under this division do not apply to materials separated 38615
from a mixed waste stream for recycling by a generator or 38616
materials removed from the solid waste stream through recycling, 38617
as "recycling" is defined in rules adopted under section 3734.02 38618
of the Revised Code. 38619

The owner or operator of a solid waste transfer facility or 38620
disposal facility, as applicable, shall prepare and file with the 38621
director of environmental protection each month a return 38622
indicating the total tonnage of solid wastes received at the 38623
facility during that month and the total amount of the fees 38624
required to be collected under this division during that month. In 38625
addition, the owner or operator of a solid waste disposal facility 38626

shall indicate on the return the total tonnage of solid wastes 38627
received from transfer facilities located in this state during 38628
that month for which the fees were required to be collected by the 38629
transfer facilities. The monthly returns shall be filed on a form 38630
prescribed by the director. Not later than thirty days after the 38631
last day of the month to which a return applies, the owner or 38632
operator shall mail to the director the return for that month 38633
together with the fees required to be collected under this 38634
division during that month as indicated on the return or may 38635
submit the return and fees electronically in a manner approved by 38636
the director. If the return is filed and the amount of the fees 38637
due is paid in a timely manner as required in this division, the 38638
owner or operator may retain a discount of three-fourths of one 38639
per cent of the total amount of the fees that are required to be 38640
paid as indicated on the return. 38641

The owner or operator may request an extension of not more 38642
than thirty days for filing the return and remitting the fees, 38643
provided that the owner or operator has submitted such a request 38644
in writing to the director together with a detailed description of 38645
why the extension is requested, the director has received the 38646
request not later than the day on which the return is required to 38647
be filed, and the director has approved the request. If the fees 38648
are not remitted within thirty days after the last day of the 38649
month to which the return applies or are not remitted by the last 38650
day of an extension approved by the director, the owner or 38651
operator shall not retain the three-fourths of one per cent 38652
discount and shall pay an additional ten per cent of the amount of 38653
the fees for each month that they are late. For purposes of 38654
calculating the late fee, the first month in which fees are late 38655
begins on the first day after the deadline has passed for timely 38656
submitting the return and fees, and one additional month shall be 38657
counted every thirty days thereafter. 38658

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written

explanation of the reason for the submittal. 38691

For purposes of computing the fees levied under this division 38692
or division (B) of this section, any solid waste transfer or 38693
disposal facility that does not use scales as a means of 38694
determining gate receipts shall use a conversion factor of three 38695
cubic yards per ton of solid waste or one cubic yard per ton for 38696
baled waste, as applicable. 38697

The fees levied under this division and divisions (B) and (C) 38698
of this section are in addition to all other applicable fees and 38699
taxes and shall be paid by the customer or a political subdivision 38700
to the owner or operator of a solid waste transfer or disposal 38701
facility. In the alternative, the fees shall be paid by a customer 38702
or political subdivision to a transporter of waste who 38703
subsequently transfers the fees to the owner or operator of such a 38704
facility. The fees shall be paid notwithstanding the existence of 38705
any provision in a contract that the customer or a political 38706
subdivision may have with the owner or operator or with a 38707
transporter of waste to the facility that would not require or 38708
allow such payment regardless of whether the contract was entered 38709
prior to or after October 16, 2009. For those purposes, "customer" 38710
means a person who contracts with, or utilizes the solid waste 38711
services of, the owner or operator of a solid waste transfer or 38712
disposal facility or a transporter of solid waste to such a 38713
facility. 38714

(B) For the purposes specified in division (G) of this 38715
section, the solid waste management policy committee of a county 38716
or joint solid waste management district may levy fees upon the 38717
following activities: 38718

(1) The disposal at a solid waste disposal facility located 38719
in the district of solid wastes generated within the district; 38720

(2) The disposal at a solid waste disposal facility within 38721

the district of solid wastes generated outside the boundaries of 38722
the district, but inside this state; 38723

(3) The disposal at a solid waste disposal facility within 38724
the district of solid wastes generated outside the boundaries of 38725
this state. 38726

The solid waste management plan of the county or joint 38727
district approved under section 3734.521 or 3734.55 of the Revised 38728
Code and any amendments to it, or the resolution adopted under 38729
this division, as appropriate, shall establish the rates of the 38730
fees levied under divisions (B)(1), (2), and (3) of this section, 38731
if any, and shall specify whether the fees are levied on the basis 38732
of tons or cubic yards as the unit of measurement. A solid waste 38733
management district that levies fees under this division on the 38734
basis of cubic yards shall do so in accordance with division (A) 38735
of this section. 38736

The fee levied under division (B)(1) of this section shall be 38737
not less than one dollar per ton nor more than two dollars per 38738
ton, the fee levied under division (B)(2) of this section shall be 38739
not less than two dollars per ton nor more than four dollars per 38740
ton, and the fee levied under division (B)(3) of this section 38741
shall be not more than the fee levied under division (B)(1) of 38742
this section. 38743

Prior to the approval of the solid waste management plan of a 38744
district under section 3734.55 of the Revised Code, the solid 38745
waste management policy committee of a district may levy fees 38746
under this division by adopting a resolution establishing the 38747
proposed amount of the fees. Upon adopting the resolution, the 38748
committee shall deliver a copy of the resolution to the board of 38749
county commissioners of each county forming the district and to 38750
the legislative authority of each municipal corporation and 38751
township under the jurisdiction of the district and shall prepare 38752
and publish the resolution and a notice of the time and location 38753

where a public hearing on the fees will be held. Upon adopting the 38754
resolution, the committee shall deliver written notice of the 38755
adoption of the resolution; of the amount of the proposed fees; 38756
and of the date, time, and location of the public hearing to the 38757
director and to the fifty industrial, commercial, or institutional 38758
generators of solid wastes within the district that generate the 38759
largest quantities of solid wastes, as determined by the 38760
committee, and to their local trade associations. The committee 38761
shall make good faith efforts to identify those generators within 38762
the district and their local trade associations, but the 38763
nonprovision of notice under this division to a particular 38764
generator or local trade association does not invalidate the 38765
proceedings under this division. The publication shall occur at 38766
least thirty days before the hearing. After the hearing, the 38767
committee may make such revisions to the proposed fees as it 38768
considers appropriate and thereafter, by resolution, shall adopt 38769
the revised fee schedule. Upon adopting the revised fee schedule, 38770
the committee shall deliver a copy of the resolution doing so to 38771
the board of county commissioners of each county forming the 38772
district and to the legislative authority of each municipal 38773
corporation and township under the jurisdiction of the district. 38774
Within sixty days after the delivery of a copy of the resolution 38775
adopting the proposed revised fees by the policy committee, each 38776
such board and legislative authority, by ordinance or resolution, 38777
shall approve or disapprove the revised fees and deliver a copy of 38778
the ordinance or resolution to the committee. If any such board or 38779
legislative authority fails to adopt and deliver to the policy 38780
committee an ordinance or resolution approving or disapproving the 38781
revised fees within sixty days after the policy committee 38782
delivered its resolution adopting the proposed revised fees, it 38783
shall be conclusively presumed that the board or legislative 38784
authority has approved the proposed revised fees. The committee 38785
shall determine if the resolution has been ratified in the same 38786

manner in which it determines if a draft solid waste management 38787
plan has been ratified under division (B) of section 3734.55 of 38788
the Revised Code. 38789

The committee may amend the schedule of fees levied pursuant 38790
to a resolution adopted and ratified under this division by 38791
adopting a resolution establishing the proposed amount of the 38792
amended fees. The committee may repeal the fees levied pursuant to 38793
such a resolution by adopting a resolution proposing to repeal 38794
them. Upon adopting such a resolution, the committee shall proceed 38795
to obtain ratification of the resolution in accordance with this 38796
division. 38797

Not later than fourteen days after declaring the new fees to 38798
be ratified or the fees to be repealed under this division, the 38799
committee shall notify by certified mail the owner or operator of 38800
each solid waste disposal facility that is required to collect the 38801
fees of the ratification and the amount of the fees or of the 38802
repeal of the fees. Collection of any fees shall commence or 38803
collection of repealed fees shall cease on the first day of the 38804
second month following the month in which notification is sent to 38805
the owner or operator. 38806

Fees levied under this division also may be established, 38807
amended, or repealed by a solid waste management policy committee 38808
through the adoption of a new district solid waste management 38809
plan, the adoption of an amended plan, or the amendment of the 38810
plan or amended plan in accordance with sections 3734.55 and 38811
3734.56 of the Revised Code or the adoption or amendment of a 38812
district plan in connection with a change in district composition 38813
under section 3734.521 of the Revised Code. 38814

Not later than fourteen days after the director issues an 38815
order approving a district's solid waste management plan, amended 38816
plan, or amendment to a plan or amended plan that establishes, 38817
amends, or repeals a schedule of fees levied by the district, the 38818

committee shall notify by certified mail the owner or operator of 38819
each solid waste disposal facility that is required to collect the 38820
fees of the approval of the plan or amended plan, or the amendment 38821
to the plan, as appropriate, and the amount of the fees, if any. 38822
In the case of an initial or amended plan approved under section 38823
3734.521 of the Revised Code in connection with a change in 38824
district composition, other than one involving the withdrawal of a 38825
county from a joint district, the committee, within fourteen days 38826
after the change takes effect pursuant to division (G) of that 38827
section, shall notify by certified mail the owner or operator of 38828
each solid waste disposal facility that is required to collect the 38829
fees that the change has taken effect and of the amount of the 38830
fees, if any. Collection of any fees shall commence or collection 38831
of repealed fees shall cease on the first day of the second month 38832
following the month in which notification is sent to the owner or 38833
operator. 38834

If, in the case of a change in district composition involving 38835
the withdrawal of a county from a joint district, the director 38836
completes the actions required under division (G)(1) or (3) of 38837
section 3734.521 of the Revised Code, as appropriate, forty-five 38838
days or more before the beginning of a calendar year, the policy 38839
committee of each of the districts resulting from the change that 38840
obtained the director's approval of an initial or amended plan in 38841
connection with the change, within fourteen days after the 38842
director's completion of the required actions, shall notify by 38843
certified mail the owner or operator of each solid waste disposal 38844
facility that is required to collect the district's fees that the 38845
change is to take effect on the first day of January immediately 38846
following the issuance of the notice and of the amount of the fees 38847
or amended fees levied under divisions (B)(1) to (3) of this 38848
section pursuant to the district's initial or amended plan as so 38849
approved or, if appropriate, the repeal of the district's fees by 38850
that initial or amended plan. Collection of any fees set forth in 38851

such a plan or amended plan shall commence on the first day of 38852
January immediately following the issuance of the notice. If such 38853
an initial or amended plan repeals a schedule of fees, collection 38854
of the fees shall cease on that first day of January. 38855

If, in the case of a change in district composition involving 38856
the withdrawal of a county from a joint district, the director 38857
completes the actions required under division (G)(1) or (3) of 38858
section 3734.521 of the Revised Code, as appropriate, less than 38859
forty-five days before the beginning of a calendar year, the 38860
director, on behalf of each of the districts resulting from the 38861
change that obtained the director's approval of an initial or 38862
amended plan in connection with the change proceedings, shall 38863
notify by certified mail the owner or operator of each solid waste 38864
disposal facility that is required to collect the district's fees 38865
that the change is to take effect on the first day of January 38866
immediately following the mailing of the notice and of the amount 38867
of the fees or amended fees levied under divisions (B)(1) to (3) 38868
of this section pursuant to the district's initial or amended plan 38869
as so approved or, if appropriate, the repeal of the district's 38870
fees by that initial or amended plan. Collection of any fees set 38871
forth in such a plan or amended plan shall commence on the first 38872
day of the second month following the month in which notification 38873
is sent to the owner or operator. If such an initial or amended 38874
plan repeals a schedule of fees, collection of the fees shall 38875
cease on the first day of the second month following the month in 38876
which notification is sent to the owner or operator. 38877

If the schedule of fees that a solid waste management 38878
district is levying under divisions (B)(1) to (3) of this section 38879
is amended or repealed, the fees in effect immediately prior to 38880
the amendment or repeal shall continue to be collected until 38881
collection of the amended fees commences or collection of the 38882
repealed fees ceases, as applicable, as specified in this 38883

division. In the case of a change in district composition, money 38884
so received from the collection of the fees of the former 38885
districts shall be divided among the resulting districts in 38886
accordance with division (B) of section 343.012 of the Revised 38887
Code and the agreements entered into under division (B) of section 38888
343.01 of the Revised Code to establish the former and resulting 38889
districts and any amendments to those agreements. 38890

For the purposes of the provisions of division (B) of this 38891
section establishing the times when newly established or amended 38892
fees levied by a district are required to commence and the 38893
collection of fees that have been amended or repealed is required 38894
to cease, "fees" or "schedule of fees" includes, in addition to 38895
fees levied under divisions (B)(1) to (3) of this section, those 38896
levied under section 3734.573 or 3734.574 of the Revised Code. 38897

(C) For the purposes of defraying the added costs to a 38898
municipal corporation or township of maintaining roads and other 38899
public facilities and of providing emergency and other public 38900
services, and compensating a municipal corporation or township for 38901
reductions in real property tax revenues due to reductions in real 38902
property valuations resulting from the location and operation of a 38903
solid waste disposal facility within the municipal corporation or 38904
township, a municipal corporation or township in which such a 38905
solid waste disposal facility is located may levy a fee of not 38906
more than twenty-five cents per ton on the disposal of solid 38907
wastes at a solid waste disposal facility located within the 38908
boundaries of the municipal corporation or township regardless of 38909
where the wastes were generated. 38910

The legislative authority of a municipal corporation or 38911
township may levy fees under this division by enacting an 38912
ordinance or adopting a resolution establishing the amount of the 38913
fees. Upon so doing the legislative authority shall mail a 38914
certified copy of the ordinance or resolution to the board of 38915

county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are

generated; 38948

(c) Are asbestos or asbestos-containing materials or products 38949
disposed of at a construction and demolition debris facility that 38950
is licensed under Chapter 3714. of the Revised Code or at a solid 38951
waste facility that is licensed under this chapter. 38952

(2) Except as provided in section 3734.571 of the Revised 38953
Code, any fees levied under division (B)(1) of this section apply 38954
to solid wastes originating outside the boundaries of a county or 38955
joint district that are covered by an agreement for the joint use 38956
of solid waste facilities entered into under section 343.02 of the 38957
Revised Code by the board of county commissioners or board of 38958
directors of the county or joint district where the wastes are 38959
generated and disposed of. 38960

(3) When solid wastes, other than solid wastes that consist 38961
of scrap tires, are burned in a disposal facility that is an 38962
incinerator or energy recovery facility, the fees levied under 38963
divisions (A), (B), and (C) of this section shall be levied upon 38964
the disposal of the fly ash and bottom ash remaining after burning 38965
of the solid wastes and shall be collected by the owner or 38966
operator of the sanitary landfill where the ash is disposed of. 38967

(4) When solid wastes are delivered to a solid waste transfer 38968
facility, the fees levied under divisions (B) and (C) of this 38969
section shall be levied upon the disposal of solid wastes 38970
transported off the premises of the transfer facility for disposal 38971
and shall be collected by the owner or operator of the solid waste 38972
disposal facility where the wastes are disposed of. 38973

(5) The fees levied under divisions (A), (B), and (C) of this 38974
section do not apply to sewage sludge that is generated by a waste 38975
water treatment facility holding a national pollutant discharge 38976
elimination system permit and that is disposed of through 38977
incineration, land application, or composting or at another 38978

resource recovery or disposal facility that is not a landfill. 38979

(6) The fees levied under divisions (A), (B), and (C) of this 38980
section do not apply to solid wastes delivered to a solid waste 38981
composting facility for processing. When any unprocessed solid 38982
waste or compost product is transported off the premises of a 38983
composting facility and disposed of at a landfill, the fees levied 38984
under divisions (A), (B), and (C) of this section shall be 38985
collected by the owner or operator of the landfill where the 38986
unprocessed waste or compost product is disposed of. 38987

(7) When solid wastes that consist of scrap tires are 38988
processed at a scrap tire recovery facility, the fees levied under 38989
divisions (A), (B), and (C) of this section shall be levied upon 38990
the disposal of the fly ash and bottom ash or other solid wastes 38991
remaining after the processing of the scrap tires and shall be 38992
collected by the owner or operator of the solid waste disposal 38993
facility where the ash or other solid wastes are disposed of. 38994

(8) The director of environmental protection may issue an 38995
order exempting from the fees levied under this section solid 38996
wastes, including, but not limited to, scrap tires, that are 38997
generated, transferred, or disposed of as a result of a contract 38998
providing for the expenditure of public funds entered into by the 38999
administrator or regional administrator of the United States 39000
environmental protection agency, the director of environmental 39001
protection, or the director of administrative services on behalf 39002
of the director of environmental protection for the purpose of 39003
remediating conditions at a hazardous waste facility, solid waste 39004
facility, or other location at which the administrator or regional 39005
administrator or the director of environmental protection has 39006
reason to believe that there is a substantial threat to public 39007
health or safety or the environment or that the conditions are 39008
causing or contributing to air or water pollution or soil 39009
contamination. An order issued by the director of environmental 39010

protection under division (D)(8) of this section shall include a 39011
determination that the amount of the fees not received by a solid 39012
waste management district as a result of the order will not 39013
adversely impact the implementation and financing of the 39014
district's approved solid waste management plan and any approved 39015
amendments to the plan. Such an order is a final action of the 39016
director of environmental protection. 39017

(E) The fees levied under divisions (B) and (C) of this 39018
section shall be collected by the owner or operator of the solid 39019
waste disposal facility where the wastes are disposed of as a 39020
trustee for the county or joint district and municipal corporation 39021
or township where the wastes are disposed of. Moneys from the fees 39022
levied under division (B) of this section shall be forwarded to 39023
the board of county commissioners or board of directors of the 39024
district in accordance with rules adopted under division (H) of 39025
this section. Moneys from the fees levied under division (C) of 39026
this section shall be forwarded to the treasurer or such other 39027
officer of the municipal corporation as, by virtue of the charter, 39028
has the duties of the treasurer or to the fiscal officer of the 39029
township, as appropriate, in accordance with those rules. 39030

(F) Moneys received by the treasurer or other officer of the 39031
municipal corporation under division (E) of this section shall be 39032
paid into the general fund of the municipal corporation. Moneys 39033
received by the fiscal officer of the township under that division 39034
shall be paid into the general fund of the township. The treasurer 39035
or other officer of the municipal corporation or the township 39036
fiscal officer, as appropriate, shall maintain separate records of 39037
the moneys received from the fees levied under division (C) of 39038
this section. 39039

(G) Moneys received by the board of county commissioners or 39040
board of directors under division (E) of this section or section 39041
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 39042

shall be paid to the county treasurer, or other official acting in 39043
a similar capacity under a county charter, in a county district or 39044
to the county treasurer or other official designated by the board 39045
of directors in a joint district and kept in a separate and 39046
distinct fund to the credit of the district. If a regional solid 39047
waste management authority has been formed under section 343.011 39048
of the Revised Code, moneys received by the board of trustees of 39049
that regional authority under division (E) of this section shall 39050
be kept by the board in a separate and distinct fund to the credit 39051
of the district. Moneys in the special fund of the county or joint 39052
district arising from the fees levied under division (B) of this 39053
section and the fee levied under division (A) of section 3734.573 39054
of the Revised Code shall be expended by the board of county 39055
commissioners or directors of the district in accordance with the 39056
district's solid waste management plan or amended plan approved 39057
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 39058
exclusively for the following purposes: 39059

(1) Preparation of the solid waste management plan of the 39060
district under section 3734.54 of the Revised Code, monitoring 39061
implementation of the plan, and conducting the periodic review and 39062
amendment of the plan required by section 3734.56 of the Revised 39063
Code by the solid waste management policy committee; 39064

(2) Implementation of the approved solid waste management 39065
plan or amended plan of the district, including, without 39066
limitation, the development and implementation of solid waste 39067
recycling or reduction programs; 39068

(3) Providing financial assistance to boards of health within 39069
the district, if solid waste facilities are located within the 39070
district, for enforcement of this chapter and rules, orders, and 39071
terms and conditions of permits, licenses, and variances adopted 39072
or issued under it, other than the hazardous waste provisions of 39073
this chapter and rules adopted and orders and terms and conditions 39074

of permits issued under those provisions;	39075
(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;	39076 39077 39078 39079 39080 39081
(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;	39082 39083 39084 39085 39086 39087
(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;	39088 39089 39090 39091
(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;	39092 39093 39094 39095 39096
(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;	39097 39098 39099 39100 39101 39102 39103 39104 39105

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 39138
119. of the Revised Code prescribing procedures for collecting and 39139
forwarding the fees levied under divisions (B) and (C) of this 39140
section to the boards of county commissioners or directors of 39141
county or joint solid waste management districts and to the 39142
treasurers or other officers of municipal corporations and the 39143
fiscal officers of townships. The rules also shall prescribe the 39144
dates for forwarding the fees to the boards and officials and may 39145
prescribe any other requirements the director considers necessary 39146
or appropriate to implement and administer divisions (A), (B), and 39147
(C) of this section. 39148

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 39149
defray the cost of administering and enforcing the scrap tire 39150
provisions of this chapter, rules adopted under those provisions, 39151
and terms and conditions of orders, variances, and licenses issued 39152
under those provisions; to abate accumulations of scrap tires; to 39153
make grants supporting market development activities for scrap 39154
tires and synthetic rubber from tire manufacturing processes and 39155
tire recycling processes and to support scrap tire amnesty and 39156
cleanup events; to make loans to promote the recycling or recovery 39157
of energy from scrap tires; and to defray the costs of 39158
administering and enforcing sections 3734.90 to 3734.9014 of the 39159
Revised Code, a fee of fifty cents per tire is hereby levied on 39160
the sale of tires. The proceeds of the fee shall be deposited in 39161
the state treasury to the credit of the scrap tire management fund 39162
created in section 3734.82 of the Revised Code. The fee is levied 39163
from the first day of the calendar month that begins next after 39164
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 39165

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 39166
2022, there is hereby levied an additional fee of fifty cents per 39167
tire on the sale of tires the proceeds of which shall be deposited 39168
in the state treasury to the credit of the soil and water 39169

conservation district assistance fund created in section 940.15 of the Revised Code. 39170
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(B) Only one sale of the same article shall be used in computing the amount of the fee due. 39172
39173

Sec. 3735.661. (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following: 39174
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(1) Expands the geographic size of a community reinvestment area; 39179
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(2) Increases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (A)(2) of this section does not authorize a municipal corporation or county to increase a property's or category of property's exempted percentage of assessed valuation pursuant to that section. 39181
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(3) Increases the term of any tax exemption or category of tax exemptions, except as provided in division (B)~~(6)~~(7) of this section; 39188
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(4) Extends the duration of a community reinvestment area; 39191

(5) Changes eligibility requirements for receiving tax exemptions. 39192
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(B) For the purpose of determining the "first two amendments" in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment does not include any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following: 39194
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(1) Restricts the availability of tax exemptions, including 39199

any of the following:	39200
(a) Removes area from or decreases the geographic size of a community reinvestment area;	39201 39202
(b) Decreases a property's or category of property's exempted percentage of assessed valuation, notwithstanding the requirements of section 3735.66 of the Revised Code as that section existed on July 21, 1994. Division (B)(1)(b) of this section does not authorize a municipal corporation or county to decrease a property's or category of property's exempted percentage of assessed valuation pursuant to that section.	39203 39204 39205 39206 39207 39208 39209
(c) Decreases the term of any tax exemption or category of exemption;	39210 39211
(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	39212 39213
(2) <u>Requires property owners or developers to enter into an agreement to provide a number of affordable housing units as a condition of granting, continuing, or revoking an exemption, and authorizing municipal or county officials to implement such conditions and agreements;</u>	39214 39215 39216 39217 39218
<u>(3)</u> Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;	39219 39220 39221
(3) <u>(4)</u> Recognizes or confirms a previously granted tax exemption;	39222 39223
(4) <u>(5)</u> Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	39224 39225
(5) <u>(6)</u> Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community	39226 39227 39228 39229

reinvestment area housing council created under section 3735.69 of 39230
the Revised Code or a tax incentive review council under section 39231
5709.85 of the Revised Code; 39232

~~(6)~~(7) Increases the term of tax exemption for remodeling to 39233
not more than that authorized by H.B. 463 of the 131st general 39234
assembly for an exemption application that has been filed but not 39235
yet granted, or has been filed, on or after April 6, 2017, or that 39236
is filed on or after any other later date, provided the maximum 39237
term of the exemption for such remodeling before the ordinance's 39238
or resolution's modification was the maximum term allowed under 39239
division (D)(1) or (2) of section 3735.67 of the Revised Code as 39240
that section existed before its amendment by H.B. 463 of the 131st 39241
general assembly. 39242

Sec. 3738.01. (A) As used in this section and sections 39243
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 39244
death" means the death of a woman while pregnant or anytime within 39245
one year of pregnancy regardless of cause. 39246

(B) There is hereby established in the department of health a 39247
pregnancy-associated mortality review (PAMR) board to identify and 39248
review all pregnancy-associated deaths statewide for the purpose 39249
of reducing the incidence of those deaths. 39250

Sec. 3738.02. The PAMR board may not conduct a review of a 39251
pregnancy-associated death while an investigation of the death or 39252
prosecution of a person for causing the death is pending unless 39253
the prosecuting attorney agrees to allow the review. The law 39254
enforcement agency conducting the criminal investigation, on the 39255
conclusion of the investigation, and the prosecuting attorney 39256
prosecuting the case, on the conclusion of the prosecution, shall 39257
notify the chairperson of the PAMR board of the conclusion. 39258

Sec. 3738.03. All of the following apply with respect to the 39259

<u>PAMR board:</u>	39260
<u>(A) The director of health shall appoint the board's members.</u>	39261
<u>In doing so, the director shall make a good faith effort to select</u>	39262
<u>members who represent all regions of the state and multiple areas</u>	39263
<u>of expertise and constituencies concerned with the care of</u>	39264
<u>pregnant and postpartum women.</u>	39265
<u>(B) The board, by a majority vote of a quorum of its members,</u>	39266
<u>shall select an individual to serve as its chairperson. The board</u>	39267
<u>may replace a chairperson in the same manner.</u>	39268
<u>(C) An appointed member shall hold office until a successor</u>	39269
<u>is appointed. The director of health shall fill a vacancy as soon</u>	39270
<u>as practicable.</u>	39271
<u>(D) A member shall not receive any compensation for, and</u>	39272
<u>shall not be paid for any expenses incurred pursuant to,</u>	39273
<u>fulfilling the member's duties on the board.</u>	39274
<u>(E) The board shall meet at the call of the board's</u>	39275
<u>chairperson as often as the chairperson determines necessary for</u>	39276
<u>timely completion of pregnancy-associated death reviews. The</u>	39277
<u>reviews shall be conducted in accordance with rules adopted under</u>	39278
<u>section 3738.09 of the Revised Code.</u>	39279
<u>(F) The department of health shall provide meeting space,</u>	39280
<u>staff services, and other technical assistance required by the</u>	39281
<u>board in carrying out its duties.</u>	39282
<u>Sec. 3738.04.</u> <u>The PAMR board shall seek to reduce the</u>	39283
<u>incidence of pregnancy-associated deaths in this state by doing</u>	39284
<u>all of the following:</u>	39285
<u>(A) Promoting cooperation, collaboration, and communication</u>	39286
<u>between all groups, professions, agencies, and entities that serve</u>	39287
<u>pregnant and postpartum women and families;</u>	39288

(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 39289
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(C) Providing the department of health with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section 3738.09 of the Revised Code; 39293
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(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women. 39297
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Sec. 3738.05. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, and except as provided in division (B) of this section, an individual, government entity, agency that provides services specifically to individuals or families, law enforcement agency, health care provider, or other public or private entity that provided services to a woman whose death is being reviewed by the PAMR board shall submit to the board a copy of any record it possesses that the board requests. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation. 39299
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(B) No person, government entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. 39311
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(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation. 39316
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Sec. 3738.06. (A) Any record, document, report, or other 39320
information presented to the PAMR board, as well as all statements 39321
made by board members during board meetings, all work products of 39322
the board, and data submitted to the department of health by the 39323
board, other than the biennial reports described in section 39324
3738.08 of the Revised Code, are confidential and not a public 39325
record under section 149.43 of the Revised Code. Such materials 39326
shall be used by the board and department only in the exercise of 39327
the proper functions of the board and department. 39328

(B) No person shall permit or encourage the unauthorized 39329
dissemination of confidential information described in division 39330
(A) of this section. 39331

(C) Whoever violates division (B) of this section is guilty 39332
of a misdemeanor of the second degree. 39333

Sec. 3738.07. (A) An individual or public or private entity 39334
providing records, documents, reports, or other information to the 39335
PAMR board is immune from any civil liability for injury, death, 39336
or loss to person or property that otherwise might be incurred or 39337
imposed as a result of providing the records, documents, reports, 39338
or information to the board. 39339

(B) Each board member is immune from any civil liability for 39340
injury, death, or loss to person or property that might otherwise 39341
be incurred or imposed as a result of the member's participation 39342
on the board. 39343

Sec. 3738.08. (A) The PAMR board shall prepare a biennial 39344
report that does all of the following: 39345

(1) Summarizes the board's findings from the reviews 39346
completed in the immediately preceding two calendar years, 39347
including any trends or patterns identified by the board; 39348

(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws; 39349
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(3) Includes any other information related to pregnancy-associated mortality the board considers useful. 39352
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(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board. 39354
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(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every two years thereafter. 39357
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The director shall make a copy of each report available on the department of health's web site. 39363
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(D) Reports prepared under this section are public records under section 149.43 of the Revised Code. 39365
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Sec. 3738.09. The director of health shall adopt rules that are necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules that do all of the following: 39367
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(A) Establish a procedure for the PAMR board to follow in conducting pregnancy-associated death reviews; 39371
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(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews; 39373
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(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section 3738.06 of the Revised Code. 39375
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The rules shall be adopted in accordance with Chapter 119. of 39378
the Revised Code. 39379

Sec. 3742.03. The director of health shall adopt rules in 39380
accordance with Chapter 119. of the Revised Code for the 39381
administration and enforcement of sections 3742.01 to 3742.19 and 39382
3742.99 of the Revised Code. The rules shall specify all of the 39383
following: 39384

(A) Procedures to be followed by a lead abatement contractor, 39385
lead abatement project designer, lead abatement worker, lead 39386
inspector, or lead risk assessor licensed under section 3742.05 of 39387
the Revised Code for undertaking lead abatement activities and 39388
procedures to be followed by a clearance technician, lead 39389
inspector, or lead risk assessor in performing a clearance 39390
examination; 39391

(B)(1) Requirements for training and licensure, in addition 39392
to those established under section 3742.08 of the Revised Code, to 39393
include levels of training and periodic refresher training for 39394
each class of worker, and to be used for licensure under section 39395
3742.05 of the Revised Code. Except in the case of clearance 39396
technicians, these requirements shall include at least twenty-four 39397
classroom hours of training based on the Occupational Safety and 39398
Health Act training program for lead set forth in 29 C.F.R. 39399
1926.62. For clearance technicians, the training requirements to 39400
obtain an initial license shall not exceed six hours and the 39401
requirements for refresher training shall not exceed two hours 39402
every four years. In establishing the training and licensure 39403
requirements, the director shall consider the core of information 39404
that is needed by all licensed persons, and establish the training 39405
requirements so that persons who would seek licenses in more than 39406
one area would not have to take duplicative course work. 39407

(2) Persons certified by the American board of industrial 39408

hygiene as a certified industrial hygienist or as an industrial 39409
hygienist-in-training, and persons registered as a sanitarian or 39410
sanitarian-in-training under Chapter 4736. of the Revised Code, 39411
shall be exempt from any training requirements for initial 39412
licensure established under this chapter, but shall be required to 39413
take any examinations for licensure required under section 3742.05 39414
of the Revised Code. 39415

(C) Fees for licenses issued under section 3742.05 of the 39416
Revised Code and for their renewal; 39417

(D) Procedures to be followed by lead inspectors, lead 39418
abatement contractors, environmental lead analytical laboratories, 39419
lead risk assessors, lead abatement project designers, and lead 39420
abatement workers to prevent public exposure to lead hazards and 39421
ensure worker protection during lead abatement projects; 39422

(E)(1) Record-keeping and reporting requirements for clinical 39423
laboratories, environmental lead analytical laboratories, lead 39424
inspectors, lead abatement contractors, lead risk assessors, lead 39425
abatement project designers, and lead abatement workers for lead 39426
abatement projects and record-keeping and reporting requirements 39427
for clinical laboratories, environmental lead analytical 39428
laboratories, and clearance technicians for clearance 39429
examinations; 39430

(2) Record-keeping and reporting requirements regarding lead 39431
poisoning for physicians, ~~in addition to the requirements of~~ 39432
~~section 3701.25 of the Revised Code;~~ 39433

(3) Information that is required to be reported under rules 39434
based on divisions (E)(1) and (2) of this section and that is a 39435
medical record is not a public record under section 149.43 of the 39436
Revised Code and shall not be released, except in aggregate 39437
statistical form. 39438

(F) Environmental sampling techniques for use in collecting 39439

samples of air, water, dust, paint, and other materials;	39440
(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;	39441 39442
(H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials.	39443 39444 39445 39446 39447 39448 39449 39450
Sec. 3742.04. (A) The director of health shall do all of the following:	39451 39452
(1) Administer and enforce the requirements of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to those sections;	39453 39454 39455
(2) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, lead abatement workers, and clearance technicians in accordance with section 3742.05 of the Revised Code to determine whether the requirements of this chapter are being met;	39456 39457 39458 39459 39460 39461
(3) Examine records and reports submitted by physicians, <u>pursuant to rules adopted under section 3742.03 of the Revised Code and by clinical laboratories,</u> and environmental lead analytical laboratories under section 3701.25 or 3742.09 of the Revised Code;	39462 39463 39464 39465 39466
(4) Issue approval to manufacturers of encapsulants that have done all of the following:	39467 39468
(a) Submitted an application for approval to the director on	39469

a form prescribed by the director;	39470
(b) Paid the application fee established by the director;	39471
(c) Submitted results from an independent laboratory	39472
indicating that the manufacturer's encapsulants satisfy the	39473
requirements established in rules adopted under division (H) of	39474
section 3742.03 of the Revised Code;	39475
(d) Complied with rules adopted by the director regarding	39476
durability and safety to workers and residents.	39477
(5) Establish liaisons and cooperate with the directors or	39478
agencies in states having lead abatement, licensing,	39479
accreditation, certification, and approval programs to promote	39480
consistency between the requirements of this chapter and those of	39481
other states in order to facilitate reciprocity of the programs	39482
among states;	39483
(6) Establish a program to monitor and audit the quality of	39484
work of lead inspectors, lead risk assessors, lead abatement	39485
project designers, lead abatement contractors, lead abatement	39486
workers, and clearance technicians. The director may refer	39487
improper work discovered through the program to the attorney	39488
general for appropriate action.	39489
(B) In addition to any other authority granted by this	39490
chapter, the director of health may do any of the following:	39491
(1) Employ persons who have received training from a program	39492
the director has determined provides the necessary background. The	39493
appropriate training may be obtained in a state that has an	39494
ongoing lead abatement program under which it conducts educational	39495
programs.	39496
(2) Cooperate with the United States environmental protection	39497
agency in any joint oversight procedures the agency may propose	39498
for laboratories that offer lead analysis services and are	39499

accredited under the agency's laboratory accreditation program; 39500

(3) Advise, consult, cooperate with, or enter into contracts 39501
or cooperative agreements with any person, government entity, 39502
interstate agency, or the federal government as the director 39503
considers necessary to fulfill the requirements of this chapter 39504
and the rules adopted under it. 39505

Sec. 3742.18. (A)(1) At the request of the director of 39506
health, the attorney general may commence a civil action for civil 39507
penalties and injunctive and other equitable relief against any 39508
person who violates section 3742.02, 3742.06, or 3742.07 of the 39509
Revised Code. The action shall be commenced in the court of common 39510
pleas of the county in which the violation occurred or is about to 39511
occur. 39512

(2) The court shall grant injunctive and other equitable 39513
relief on a showing that the person has violated or is about to 39514
violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 39515
On a finding of a violation, the court shall assess a civil 39516
penalty of not more than one thousand dollars. Each day a 39517
violation continues is a separate violation. All civil penalties 39518
collected by the court under this section shall be deposited into 39519
the state treasury to the credit of the lead abatement personnel 39520
licensing fund created under section 3742.19 of the Revised Code. 39521

(B) At the request of the director or a board of health, a 39522
prosecuting attorney, city director of law, village solicitor, or 39523
similar chief legal officer may commence a civil action for 39524
injunctive and other equitable relief against any person who 39525
violates or is about to violate an order issued by the director or 39526
board of health under section 3742.40 of the Revised Code. The 39527
court shall grant injunctive or other equitable relief on a 39528
showing that the person has violated or is about to violate the 39529
order. 39530

Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members:

(1) A representative of the department of medicaid;

(2) A representative of the bureau of child care in the department of job and family services;

(3) A representative of the department of environmental protection;

(4) A representative of the department of education;

(5) A representative of the development services agency;

(6) A representative of the Ohio apartment owner's association;

(7) A representative of the Ohio ~~help end lead poisoning coalition~~ healthy homes network;

(8) A representative of the Ohio environmental health association;

(9) An Ohio representative of the ~~national paint and~~ American coatings association;

(10) A representative from Ohio realtors;

(11) A representative of the Ohio housing finance agency;

(12) A physician knowledgeable in the field of lead poisoning prevention;

(13) A representative of the public.

(B) The advisory council shall do both of the following:

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize,

preferred methods of financing the program, and any other matter 39559
relevant to the program's operation; 39560

(2) Submit a report of the state's activities to the 39561
governor, president of the senate, and speaker of the house of 39562
representatives on or before the first day of March each year. 39563

(C) The advisory council is not subject to sections 101.82 to 39564
101.87 of the Revised Code. 39565

Sec. 3742.40. If the owner and manager of a residential unit, 39566
child care facility, or school fails or refuses for any reason to 39567
comply with a lead hazard control order issued under section 39568
3742.37 of the Revised Code, the director of health or board of 39569
health that issued the order shall issue an order prohibiting the 39570
owner and manager from permitting the unit, facility, or school to 39571
be used ~~as a residential unit, child care facility, or school~~ for 39572
any purpose until the unit, facility, or school passes a clearance 39573
examination. On receipt of the order, the owner or manager shall 39574
take appropriate measures to notify each occupant, in the case of 39575
a residential unit, and the parent, guardian, or custodian of each 39576
child attending the facility or school, in the case of a child 39577
care facility or school, to vacate the unit, facility, or school 39578
until the unit, facility, or school passes a clearance 39579
examination. The director or board shall post a sign at the unit, 39580
facility, or school that warns the public that the unit, facility, 39581
or school has a lead hazard. The sign shall include a declaration 39582
that the unit, facility, or school is unsafe for human occupation, 39583
especially for children under six years of age and pregnant women. 39584
The director or board shall ensure that the sign remains posted at 39585
the unit, facility, or school and that the unit, facility, or 39586
school is not used ~~as a residential unit, child care facility, or~~ 39587
~~school~~ until the unit, facility, or school passes a clearance 39588
examination. 39589

<u>Sec. 3742.50. (A) As used in this section:</u>	39590
<u>(1) "Lead abatement costs" means costs incurred by a taxpayer</u>	39591
<u>for either of the following:</u>	39592
<u>(a) A lead abatement specialist to conduct a lead risk</u>	39593
<u>assessment, a lead abatement project, or a clearance examination,</u>	39594
<u>provided the specialist is authorized under this chapter to</u>	39595
<u>conduct the respective task;</u>	39596
<u>(b) Relocation costs incurred in the relocation of occupants</u>	39597
<u>of an eligible dwelling to achieve occupant protection, as</u>	39598
<u>described in 24 C.F.R. 35.1345(a).</u>	39599
<u>"Lead abatement costs" do not include such costs for which</u>	39600
<u>the taxpayer is reimbursed or such costs the taxpayer deducts or</u>	39601
<u>excludes in computing the taxpayer's federal adjusted gross income</u>	39602
<u>for federal income tax purposes or Ohio adjusted gross income as</u>	39603
<u>determined under section 5747.01 of the Revised Code.</u>	39604
<u>(2) "Eligible dwelling" means a residential unit constructed</u>	39605
<u>in this state before 1978.</u>	39606
<u>(3) "Lead abatement specialist" means an individual who holds</u>	39607
<u>a valid license issued under section 3742.05 of the Revised Code.</u>	39608
<u>(4) "Taxable year" and "taxpayer" have the same meanings as</u>	39609
<u>in section 5747.01 of the Revised Code.</u>	39610
<u>(B) A taxpayer who incurs lead abatement costs on an eligible</u>	39611
<u>dwelling during a taxable year may apply to the director of health</u>	39612
<u>for a lead abatement tax credit certificate. The applicant shall</u>	39613
<u>list on the application the amount of lead abatement costs the</u>	39614
<u>applicant incurred for the eligible dwelling during the taxable</u>	39615
<u>year. The director, in consultation with the tax commissioner,</u>	39616
<u>shall prescribe the form of a lead abatement tax credit</u>	39617
<u>certificate, the manner by which an applicant shall apply for the</u>	39618
<u>certificate, and requirements for the submission of any record or</u>	39619

other information an applicant must furnish with the application 39620
to verify the lead abatement costs. 39621

(C)(1) Upon receipt of an application under division (B) of 39622
this section, the director of health shall verify all of the 39623
following: 39624

(a) The residential unit that is the subject of the 39625
application is an eligible dwelling. 39626

(b) The taxpayer incurred lead abatement costs during the 39627
taxable year related to the eligible dwelling. 39628

(c) The eligible dwelling has passed a clearance examination 39629
in accordance with standards prescribed in rules adopted by the 39630
director under section 3742.03 or 3742.45 of the Revised Code. 39631

(2) After verifying the conditions described in division 39632
(C)(1) of this section, the director shall issue a lead abatement 39633
tax credit certificate to the applicant equal to the lesser of (a) 39634
the lead abatement costs incurred by the taxpayer on the eligible 39635
dwelling during the taxable year, (b) the amount of lead abatement 39636
costs listed on the application, or (c) ten thousand dollars, 39637
subject to the limitation in division (C)(3) of this section. 39638

(3) The director may not issue more than five million dollars 39639
in lead abatement tax credit certificates in any fiscal year. 39640

(D) The director of health, in consultation with the tax 39641
commissioner, may adopt rules in accordance with Chapter 119. of 39642
the Revised Code as necessary for the administration of this 39643
section. 39644

Sec. 3745.11. (A) Applicants for and holders of permits, 39645
licenses, variances, plan approvals, and certifications issued by 39646
the director of environmental protection pursuant to Chapters 39647
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 39648
to the environmental protection agency for each such issuance and 39649

each application for an issuance as provided by this section. No 39650
fee shall be charged for any issuance for which no application has 39651
been submitted to the director. 39652

(B) Except as otherwise provided in division (C)(2) of this 39653
section, beginning July 1, 1994, each person who owns or operates 39654
an air contaminant source and who is required to apply for and 39655
obtain a Title V permit under section 3704.036 of the Revised Code 39656
shall pay the fees set forth in this division. For the purposes of 39657
this division, total emissions of air contaminants may be 39658
calculated using engineering calculations, emissions factors, 39659
material balance calculations, or performance testing procedures, 39660
as authorized by the director. 39661

The following fees shall be assessed on the total actual 39662
emissions from a source in tons per year of the regulated 39663
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 39664
organic compounds, and lead: 39665

(1) Fifteen dollars per ton on the total actual emissions of 39666
each such regulated pollutant during the period July through 39667
December 1993, to be collected no sooner than July 1, 1994; 39668

(2) Twenty dollars per ton on the total actual emissions of 39669
each such regulated pollutant during calendar year 1994, to be 39670
collected no sooner than April 15, 1995; 39671

(3) Twenty-five dollars per ton on the total actual emissions 39672
of each such regulated pollutant in calendar year 1995, and each 39673
subsequent calendar year, to be collected no sooner than the 39674
fifteenth day of April of the year next succeeding the calendar 39675
year in which the emissions occurred. 39676

The fees levied under this division do not apply to that 39677
portion of the emissions of a regulated pollutant at a facility 39678
that exceed four thousand tons during a calendar year. 39679

(C)(1) The fees assessed under division (B) of this section 39680

are for the purpose of providing funding for the Title V permit program. 39681
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(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year. 39683
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 39693
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 39701
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Total tons per year 39712

of regulated pollutants	Annual fee	39713
emitted	per facility	39714
More than 0, but less than 50	\$ 75	39715
50 or more, but less than 100	300	39716
100 or more	700	39717

(2) Except as provided in division (D)(3) of this section, 39718
beginning January 1, 2004, each person who owns or operates an air 39719
contaminant source; who is required to apply for a permit to 39720
operate pursuant to rules adopted under division (G), or a 39721
variance pursuant to division (H), of section 3704.03 of the 39722
Revised Code; and who is not required to apply for and obtain a 39723
Title V permit under section 3704.03 of the Revised Code shall pay 39724
a single fee based upon the sum of the actual annual emissions 39725
from the facility of the regulated pollutants particulate matter, 39726
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 39727
accordance with the following schedule: 39728

Total tons per year		39729
of regulated pollutants	Annual fee	39730
emitted	per facility	39731
More than 0, but less than 10	\$ 100	39732
10 or more, but less than 50	200	39733
50 or more, but less than 100	300	39734
100 or more	700	39735

(3)(a) As used in division (D) of this section, "synthetic 39736
minor facility" means a facility for which one or more permits to 39737
install or permits to operate have been issued for the air 39738
contaminant sources at the facility that include terms and 39739
conditions that lower the facility's potential to emit air 39740
contaminants below the major source thresholds established in 39741
rules adopted under section 3704.036 of the Revised Code. 39742

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, 39743
each person who owns or operates a synthetic minor facility shall 39744

pay an annual fee based on the sum of the actual annual emissions 39745
from the facility of particulate matter, sulfur dioxide, nitrogen 39746
dioxide, organic compounds, and lead in accordance with the 39747
following schedule: 39748

Combined total tons 39749	Annual fee 39750
per year of all regulated 39751	per facility 39751
pollutants emitted 39751	
Less than 10 39752	\$ 170 39752
10 or more, but less than 20 39753	340 39753
20 or more, but less than 30 39754	670 39754
30 or more, but less than 40 39755	1,010 39755
40 or more, but less than 50 39756	1,340 39756
50 or more, but less than 60 39757	1,680 39757
60 or more, but less than 70 39758	2,010 39758
70 or more, but less than 80 39759	2,350 39759
80 or more, but less than 90 39760	2,680 39760
90 or more, but less than 100 39761	3,020 39761
100 or more 39762	3,350 39762

(4) The fees assessed under division (D)(1) of this section 39763
shall be collected annually no sooner than the fifteenth day of 39764
April, commencing in 1995. The fees assessed under division (D)(2) 39765
of this section shall be collected annually no sooner than the 39766
fifteenth day of April, commencing in 2005. The fees assessed 39767
under division (D)(3) of this section shall be collected no sooner 39768
than the fifteenth day of April, commencing in 2000. The fees 39769
assessed under division (D) of this section in a calendar year 39770
shall be based upon the sum of the actual emissions of those 39771
regulated pollutants during the preceding calendar year. For the 39772
purpose of division (D) of this section, emissions of air 39773
contaminants may be calculated using engineering calculations, 39774
emission factors, material balance calculations, or performance 39775
testing procedures, as authorized by the director. The director, 39776
by rule, may require persons who are required to pay the fees 39777

assessed under division (D) of this section to pay those fees 39778
biennially rather than annually. 39779

(E)(1) Consistent with the need to cover the reasonable costs 39780
of the Title V permit program, the director annually shall 39781
increase the fees prescribed in division (B) of this section by 39782
the percentage, if any, by which the consumer price index for the 39783
most recent calendar year ending before the beginning of a year 39784
exceeds the consumer price index for calendar year 1989. Upon 39785
calculating an increase in fees authorized by division (E)(1) of 39786
this section, the director shall compile revised fee schedules for 39787
the purposes of division (B) of this section and shall make the 39788
revised schedules available to persons required to pay the fees 39789
assessed under that division and to the public. 39790

(2) For the purposes of division (E)(1) of this section: 39791

(a) The consumer price index for any year is the average of 39792
the consumer price index for all urban consumers published by the 39793
United States department of labor as of the close of the 39794
twelve-month period ending on the thirty-first day of August of 39795
that year. 39796

(b) If the 1989 consumer price index is revised, the director 39797
shall use the revision of the consumer price index that is most 39798
consistent with that for calendar year 1989. 39799

(F) Each person who is issued a permit to install pursuant to 39800
rules adopted under division (F) of section 3704.03 of the Revised 39801
Code on or after July 1, 2003, shall pay the fees specified in the 39802
following schedules: 39803

(1) Fuel-burning equipment (boilers, furnaces, or process 39804
heaters used in the process of burning fuel for the primary 39805
purpose of producing heat or power by indirect heat transfer) 39806
Input capacity (maximum) 39807
(million British thermal units per hour) Permit to install 39808

Greater than 0, but less than 10	\$ 200	39809
10 or more, but less than 100	400	39810
100 or more, but less than 300	1000	39811
300 or more, but less than 500	2250	39812
500 or more, but less than 1000	3750	39813
1000 or more, but less than 5000	6000	39814
5000 or more	9000	39815

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion
engines designed to generate electricity

Generating capacity (mega watts)	Permit to install	39821
0 or more, but less than 10	\$ 25	39822
10 or more, but less than 25	150	39823
25 or more, but less than 50	300	39824
50 or more, but less than 100	500	39825
100 or more, but less than 250	1000	39826
250 or more	2000	39827

(3) Incinerators

Input capacity (pounds per hour)	Permit to install	39829
0 to 100	\$ 100	39830
101 to 500	500	39831
501 to 2000	1000	39832
2001 to 20,000	1500	39833
more than 20,000	3750	39834

(4)(a) Process

Process weight rate (pounds per hour)	Permit to install	39836
0 to 1000	\$ 200	39837
1001 to 5000	500	39838
5001 to 10,000	750	39839
10,001 to 50,000	1000	39840

more than 50,000 1250 39841

In any process where process weight rate cannot be 39842
ascertained, the minimum fee shall be assessed. A boiler, furnace, 39843
combustion turbine, stationary internal combustion engine, or 39844
process heater designed to provide direct heat or power to a 39845
process not designed to generate electricity shall be assessed a 39846
fee established in division (F)(4)(a) of this section. A 39847
combustion turbine or stationary internal combustion engine 39848
designed to generate electricity shall be assessed a fee 39849
established in division (F)(2) of this section. 39850

(b) Notwithstanding division (F)(4)(a) of this section, any 39851
person issued a permit to install pursuant to rules adopted under 39852
division (F) of section 3704.03 of the Revised Code shall pay the 39853
fees set forth in division (F)(4)(c) of this section for a process 39854
used in any of the following industries, as identified by the 39855
applicable two-digit, three-digit, or four-digit standard 39856
industrial classification code according to the Standard 39857
Industrial Classification Manual published by the United States 39858
office of management and budget in the executive office of the 39859
president, 1987, as revised: 39860

Major group 10, metal mining; 39861

Major group 12, coal mining; 39862

Major group 14, mining and quarrying of nonmetallic minerals; 39863

Industry group 204, grain mill products; 39864

2873 Nitrogen fertilizers; 39865

2874 Phosphatic fertilizers; 39866

3281 Cut stone and stone products; 39867

3295 Minerals and earth, ground or otherwise treated; 39868

4221 Grain elevators (storage only); 39869

5159 Farm related raw materials; 39870

5261 Retail nurseries and lawn and garden supply stores.		39871
(c) The fees set forth in the following schedule apply to the		39872
issuance of a permit to install pursuant to rules adopted under		39873
division (F) of section 3704.03 of the Revised Code for a process		39874
identified in division (F)(4)(b) of this section:		39875
Process weight rate (pounds per	Permit to install	39876
hour)		
0 to 10,000	\$ 200	39877
10,001 to 50,000	400	39878
50,001 to 100,000	500	39879
100,001 to 200,000	600	39880
200,001 to 400,000	750	39881
400,001 or more	900	39882
(5) Storage tanks		39883
Gallons (maximum useful capacity)	Permit to install	39884
0 to 20,000	\$ 100	39885
20,001 to 40,000	150	39886
40,001 to 100,000	250	39887
100,001 to 500,000	400	39888
500,001 or greater	750	39889
(6) Gasoline/fuel dispensing facilities		39890
For each gasoline/fuel		39891
dispensing facility (includes all	Permit to install	39892
units at the facility)	\$ 100	39893
(7) Dry cleaning facilities		39894
For each dry cleaning		39895
facility (includes all units	Permit to install	39896
at the facility)	\$ 100	39897
(8) Registration status		39898
For each source covered	Permit to install	39899
by registration status	\$ 75	39900

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:

Action	Fee	
Each notification	\$75	
Asbestos removal	\$3/unit	
Asbestos cleanup	\$4/cubic yard	

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under

division (W) of section 3704.03 of the Revised Code. This division 39933
only applies to sources for which actual construction of the 39934
source begins on or after July 1, 1993. The imposition or payment 39935
of the fee established in this division does not preclude the 39936
director from taking any administrative or judicial enforcement 39937
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 39938
of the Revised Code, or a rule adopted under any of them, in 39939
connection with a violation of rules adopted under division (F) of 39940
section 3704.03 of the Revised Code. 39941

As used in this division, "actual construction of the source" 39942
means the initiation of physical on-site construction activities 39943
in connection with improvements to the source that are permanent 39944
in nature, including, without limitation, the installation of 39945
building supports and foundations and the laying of underground 39946
pipework. 39947

(K)(1) Money received under division (B) of this section 39948
shall be deposited in the state treasury to the credit of the 39949
Title V clean air fund created in section 3704.035 of the Revised 39950
Code. Annually, not more than fifty cents per ton of each fee 39951
assessed under division (B) of this section on actual emissions 39952
from a source and received by the environmental protection agency 39953
pursuant to that division may be transferred by the director using 39954
an interstate transfer voucher to the state treasury to the credit 39955
of the small business assistance fund created in section 3706.19 39956
of the Revised Code. In addition, annually, the amount of money 39957
necessary for the operation of the office of ombudsperson as 39958
determined under division (B) of that section shall be transferred 39959
to the state treasury to the credit of the small business 39960
ombudsperson fund created by that section. 39961

(2) Money received by the agency pursuant to divisions (D), 39962
(F), (G), (H), (I), and (J) of this section shall be deposited in 39963
the state treasury to the credit of the non-Title V clean air fund 39964

created in section 3704.035 of the Revised Code. 39965

(L)(1) A person applying for a plan approval for a wastewater 39966
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 39967
of the Revised Code shall pay a nonrefundable fee of one hundred 39968
dollars plus sixty-five one-hundredths of one per cent of the 39969
estimated project cost through June 30, ~~2020~~ 2022, and a 39970
nonrefundable application fee of one hundred dollars plus 39971
two-tenths of one per cent of the estimated project cost on and 39972
after July 1, ~~2020~~ 2022, except that the total fee shall not 39973
exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 39974
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 39975
shall be paid at the time the application is submitted. 39976

(2) A person who has entered into an agreement with the 39977
director under section 6111.14 of the Revised Code shall pay an 39978
administrative service fee for each plan submitted under that 39979
section for approval that shall not exceed the minimum amount 39980
necessary to pay administrative costs directly attributable to 39981
processing plan approvals. The director annually shall calculate 39982
the fee and shall notify all persons who have entered into 39983
agreements under that section, or who have applied for agreements, 39984
of the amount of the fee. 39985

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 39986
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 39987
pursuant to Chapter 6111. of the Revised Code with an average 39988
daily discharge flow of five thousand gallons or more shall pay a 39989
nonrefundable annual discharge fee. Any person who fails to pay 39990
the fee at that time shall pay an additional amount that equals 39991
ten per cent of the required annual discharge fee. 39992

(ii) The billing year for the annual discharge fee 39993
established in division (L)(3)(a)(i) of this section shall consist 39994
of a twelve-month period beginning on the first day of January of 39995
the year preceding the date when the annual discharge fee is due. 39996

In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(3)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(3)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(3)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by	
	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	
5,000 to 49,999	\$ 200	
50,000 to 100,000	500	

100,001 to 250,000	1,050	40028
250,001 to 1,000,000	2,600	40029
1,000,001 to 5,000,000	5,200	40030
5,000,001 to 10,000,000	10,350	40031
10,000,001 to 20,000,000	15,550	40032
20,000,001 to 50,000,000	25,900	40033
50,000,001 to 100,000,000	41,400	40034
100,000,001 or more	62,100	40035

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2018 <u>2020</u> , and January 30, 2019 <u>2021</u>	
5,000 to 49,999	\$ 250	40052
50,000 to 250,000	1,200	40053
250,001 to 1,000,000	2,950	40054
1,000,001 to 5,000,000	5,850	40055
5,000,001 to 10,000,000	8,800	40056
10,000,001 to 20,000,000	11,700	40057
20,000,001 to 100,000,000	14,050	40058

100,000,001 to 250,000,000	16,400	40059
250,000,001 or more	18,700	40060

(ii) In addition to the fee specified in the above schedule, 40061
an NPDES permit holder that is an industrial discharger classified 40062
as a major discharger during all or part of the annual discharge 40063
fee billing year specified in division (L)(3)(a)(ii) of this 40064
section shall pay a nonrefundable annual surcharge of seven 40065
thousand five hundred dollars not later than January 30, ~~2018~~ 40066
2020, and not later than January 30, ~~2019~~ 2021. Any person who 40067
fails to pay the surcharge at that time shall pay an additional 40068
amount that equals ten per cent of the amount of the surcharge. 40069

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 40070
section, a public discharger, that is not a separate municipal 40071
storm sewer system, identified by I in the third character of the 40072
permittee's NPDES permit number and an industrial discharger 40073
identified by I, J, L, V, W, X, Y, or Z in the third character of 40074
the permittee's NPDES permit number shall pay a nonrefundable 40075
annual discharge fee of one hundred eighty dollars not later than 40076
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 40077
Any person who fails to pay the fee at that time shall pay an 40078
additional amount that equals ten per cent of the required fee. 40079

(4) Each person obtaining an NPDES permit for municipal storm 40080
water discharge shall pay a nonrefundable storm water annual 40081
discharge fee of ten dollars per one-tenth of a square mile of 40082
area permitted. The fee shall not exceed ten thousand dollars and 40083
shall be payable on or before January 30, 2004, and the thirtieth 40084
day of January of each year thereafter. Any person who fails to 40085
pay the fee on the date specified in division (L)(4) of this 40086
section shall pay an additional amount per year equal to ten per 40087
cent of the annual fee that is unpaid. 40088

(5) The director shall transmit all moneys collected under 40089
division (L) of this section to the treasurer of state for deposit 40090

into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code. 40091
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(6) As used in this section: 40093

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it. 40094
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(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director. 40100
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40102

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 40103
40104
40105

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 40106
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(M) Through June 30, ~~2020~~ 2022, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 40110
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and 40120
40121

paid in accordance with the following schedule: 40122

(1) For the initial license required under section 6109.21 of 40123
the Revised Code for any public water system that is a community 40124
water system as defined in section 6109.01 of the Revised Code, 40125
and for each license renewal required for such a system prior to 40126
January 31, ~~2020~~ 2022, the fee is: 40127

Number of service connections	Fee amount	
Not more than 49	\$ 112	40129
50 to 99	176	40130
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	40132
2,500 to 4,999	1.48	40133
5,000 to 7,499	1.42	40134
7,500 to 9,999	1.34	40135
10,000 to 14,999	1.16	40136
15,000 to 24,999	1.10	40137
25,000 to 49,999	1.04	40138
50,000 to 99,999	.92	40139
100,000 to 149,999	.86	40140
150,000 to 199,999	.80	40141
200,000 or more	.76	40142

A public water system may determine how it will pay the total 40143
amount of the fee calculated under division (M)(1) of this 40144
section, including the assessment of additional user fees that may 40145
be assessed on a volumetric basis. 40146

As used in division (M)(1) of this section, "service 40147
connection" means the number of active or inactive pipes, 40148
goosenecks, pigtails, and any other fittings connecting a water 40149
main to any building outlet. 40150

(2) For the initial license required under section 6109.21 of 40151
the Revised Code for any public water system that is not a 40152
community water system and serves a nontransient population, and 40153

for each license renewal required for such a system prior to 40154
January 31, ~~2020~~ 2022, the fee is: 40155

Population served	Fee amount	
Fewer than 150	\$ 112	40157
150 to 299	176	40158
300 to 749	384	40159
750 to 1,499	628	40160
1,500 to 2,999	1,268	40161
3,000 to 7,499	2,816	40162
7,500 to 14,999	5,510	40163
15,000 to 22,499	9,048	40164
22,500 to 29,999	12,430	40165
30,000 or more	16,820	40166

As used in division (M)(2) of this section, "population 40167
served" means the total number of individuals having access to the 40168
water supply during a twenty-four-hour period for at least sixty 40169
days during any calendar year. In the absence of a specific 40170
population count, that number shall be calculated at the rate of 40171
three individuals per service connection. 40172

(3) For the initial license required under section 6109.21 of 40173
the Revised Code for any public water system that is not a 40174
community water system and serves a transient population, and for 40175
each license renewal required for such a system prior to January 40176
31, ~~2020~~ 2022, the fee is: 40177

Number of wells or sources, other 40178 than surface water, supplying system	Fee amount	
1	\$112	40179
2	112	40180
3	176	40181
4	278	40182
5	568	40183
System designated as using a 40184		

surface water source 792 40185

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and after July 1, ~~2020~~ 2022. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 40215

survey basis, shall be charged any person for services rendered by 40216
the state in the evaluation of laboratories and laboratory 40217
personnel for compliance with accepted analytical techniques and 40218
procedures established pursuant to Chapter 6109. of the Revised 40219
Code for determining the qualitative characteristics of water: 40220
 microbiological 40221
 MMO-MUG \$2,000 40222
 MF 2,100 40223
 MMO-MUG and MF 2,550 40224
 organic chemical 5,400 40225
 trace metals 5,400 40226
 standard chemistry 2,800 40227
 limited chemistry 1,550 40228

On and after July 1, ~~2020~~ 2022, the following fee, on a per 40229
survey basis, shall be charged any such person: 40230
 microbiological \$ 1,650 40231
 organic chemicals 3,500 40232
 trace metals 3,500 40233
 standard chemistry 1,800 40234
 limited chemistry 1,000 40235

The fee for those services shall be paid at the time the request 40236
for the survey is made. Through June 30, ~~2020~~ 2022, an individual 40237
laboratory shall not be assessed a fee under this division more 40238
than once in any three-year period unless the person requests the 40239
addition of analytical methods or analysts, in which case the 40240
person shall pay eighteen hundred dollars for each additional 40241
survey requested. 40242

As used in division (N)(3) of this section: 40243

(a) "MF" means microfiltration. 40244

(b) "MMO" means minimal medium ONPG. 40245

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 40246

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 40247

The director shall transmit all moneys collected under this 40248
division to the treasurer of state for deposit into the drinking 40249
water protection fund created in section 6109.30 of the Revised 40250
Code. 40251

(O) Any person applying to the director to take an 40252
examination for certification as an operator of a water supply 40253
system or wastewater system under Chapter 6109. or 6111. of the 40254
Revised Code that is administered by the director, at the time the 40255
application is submitted, shall pay a fee in accordance with the 40256
following schedule through November 30, ~~2020~~ 2022: 40257

Class A operator	\$ 80	40258
Class I operator	105	40259
Class II operator	120	40260
Class III operator	130	40261
Class IV operator	145	40262

On and after December 1, ~~2020~~ 2022, the applicant shall pay a 40263
fee in accordance with the following schedule: 40264

Class A operator	\$ 50	40265
Class I operator	70	40266
Class II operator	80	40267
Class III operator	90	40268
Class IV operator	100	40269

Any person applying to the director for certification as an 40270
operator of a water supply system or wastewater system who has 40271
passed an examination administered by an examination provider 40272
approved by the director shall pay a certification fee of 40273
forty-five dollars. 40274

A person shall pay a biennial certification renewal fee for 40275
each applicable class of certification in accordance with the 40276
following schedule: 40277

Class A operator	\$25	40278
Class I operator	35	40279
Class II operator	45	40280
Class III operator	55	40281
Class IV operator	65	40282

If a certification renewal fee is received by the director 40283
more than thirty days, but not more than one year, after the 40284
expiration date of the certification, the person shall pay a 40285
certification renewal fee in accordance with the following 40286
schedule: 40287

Class A operator	\$45	40288
Class I operator	55	40289
Class II operator	65	40290
Class III operator	75	40291
Class IV operator	85	40292

A person who requests a replacement certificate shall pay a 40293
fee of twenty-five dollars at the time the request is made. 40294

Any person applying to be a water supply system or wastewater 40295
treatment system examination provider shall pay an application fee 40296
of five hundred dollars. Any person approved by the director as a 40297
water supply system or wastewater treatment system examination 40298
provider shall pay an annual fee that is equal to ten per cent of 40299
the fees that the provider assesses and collects for administering 40300
water supply system or wastewater treatment system certification 40301
examinations in this state for the calendar year. The fee shall be 40302
paid not later than forty-five days after the end of a calendar 40303
year. 40304

The director shall transmit all moneys collected under this 40305
division to the treasurer of state for deposit into the drinking 40306
water protection fund created in section 6109.30 of the Revised 40307
Code. 40308

(P) Any person submitting an application for an industrial 40309

water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment

facility using incineration as its principal method of treatment, 40343
under that chapter shall pay a fee of one thousand dollars. The 40344
increases in the permit fees under this division resulting from 40345
the amendments made by Amended Substitute House Bill 592 of the 40346
117th general assembly do not apply to any person who submitted an 40347
application for a permit to install a new, or modify an existing, 40348
solid waste disposal facility under that chapter prior to 40349
September 1, 1987; any such person shall pay the permit fee 40350
established in this division as it existed prior to June 24, 1988. 40351
In addition to the applicable permit fee under this division, a 40352
person issued a permit to install or modify a solid waste facility 40353
or an infectious waste treatment facility under that chapter who 40354
fails to pay the permit fee to the director in compliance with 40355
division (V) of this section shall pay an additional ten per cent 40356
of the amount of the fee for each week that the permit fee is 40357
late. 40358

Permit and late payment fees paid to the director under this 40359
division shall be credited to the general revenue fund. 40360

(R)(1) A person issued a registration certificate for a scrap 40361
tire collection facility under section 3734.75 of the Revised Code 40362
shall pay a fee of two hundred dollars, except that if the 40363
facility is owned or operated by a motor vehicle salvage dealer 40364
licensed under Chapter 4738. of the Revised Code, the person shall 40365
pay a fee of twenty-five dollars. 40366

(2) A person issued a registration certificate for a new 40367
scrap tire storage facility under section 3734.76 of the Revised 40368
Code shall pay a fee of three hundred dollars, except that if the 40369
facility is owned or operated by a motor vehicle salvage dealer 40370
licensed under Chapter 4738. of the Revised Code, the person shall 40371
pay a fee of twenty-five dollars. 40372

(3) A person issued a permit for a scrap tire storage 40373
facility under section 3734.76 of the Revised Code shall pay a fee 40374

of one thousand dollars, except that if the facility is owned or 40375
operated by a motor vehicle salvage dealer licensed under Chapter 40376
4738. of the Revised Code, the person shall pay a fee of fifty 40377
dollars. 40378

(4) A person issued a permit for a scrap tire monocell or 40379
monofill facility under section 3734.77 of the Revised Code shall 40380
pay a fee of ten dollars per thousand cubic yards of disposal 40381
capacity or one thousand dollars, whichever is greater, except 40382
that the total fee for any such permit shall not exceed eighty 40383
thousand dollars. 40384

(5) A person issued a registration certificate for a scrap 40385
tire recovery facility under section 3734.78 of the Revised Code 40386
shall pay a fee of one hundred dollars. 40387

(6) A person issued a permit for a scrap tire recovery 40388
facility under section 3734.78 of the Revised Code shall pay a fee 40389
of one thousand dollars. 40390

(7) In addition to the applicable registration certificate or 40391
permit fee under divisions (R)(1) to (6) of this section, a person 40392
issued a registration certificate or permit for any such scrap 40393
tire facility who fails to pay the registration certificate or 40394
permit fee to the director in compliance with division (V) of this 40395
section shall pay an additional ten per cent of the amount of the 40396
fee for each week that the fee is late. 40397

(8) The registration certificate, permit, and late payment 40398
fees paid to the director under divisions (R)(1) to (7) of this 40399
section shall be credited to the scrap tire management fund 40400
created in section 3734.82 of the Revised Code. 40401

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 40402
(P), and (S)(2) of this section, division (A)(2) of section 40403
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 40404
and rules adopted under division (T)(1) of this section, any 40405

person applying for a registration certificate under section 40406
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 40407
variance, or plan approval under Chapter 3734. of the Revised Code 40408
shall pay a nonrefundable fee of fifteen dollars at the time the 40409
application is submitted. 40410

(b) Except as otherwise provided, any person applying for a 40411
permit, variance, or plan approval under Chapter 6109. or 6111. of 40412
the Revised Code shall pay a nonrefundable application fee of one 40413
hundred dollars at the time the application is submitted through 40414
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 40415
dollars at the time the application is submitted on and after July 40416
1, ~~2020~~ 2022. 40417

(c)(i) Except as otherwise provided in divisions 40418
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 40419
2022, any person applying for an NPDES permit under Chapter 6111. 40420
of the Revised Code shall pay a nonrefundable application fee of 40421
two hundred dollars at the time of application for the permit. On 40422
and after July 1, ~~2020~~ 2022, such a person shall pay a 40423
nonrefundable application fee of fifteen dollars at the time of 40424
application. 40425

(ii) In addition to the nonrefundable application fee, any 40426
person applying for an NPDES permit under Chapter 6111. of the 40427
Revised Code shall pay a design flow discharge fee based on each 40428
point source to which the issuance is applicable in accordance 40429
with the following schedule: 40430

Design flow discharge (gallons per day)	Fee	
0 to 1000 <u>1,000</u>	\$ 0	40432
1,001 to 5000 <u>5,000</u>	100	40433
5,001 to 50,000	200	40434
50,001 to 100,000	300	40435
100,001 to 300,000	525	40436
over 300,000	750	40437

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(e) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(f) The director shall transmit all moneys collected under 40470
division (S)(1) of this section pursuant to Chapter 6111. of the 40471
Revised Code and under division (S)(3) of this section to the 40472
treasurer of state for deposit into the surface water protection 40473
fund created in section 6111.038 of the Revised Code. 40474

(g) If a registration certificate is issued under section 40475
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 40476
the application fee paid shall be deducted from the amount of the 40477
registration certificate fee due under division (R)(1), (2), or 40478
(5) of this section, as applicable. 40479

(h) If a person submits an electronic application for a 40480
registration certificate, permit, variance, or plan approval for 40481
which an application fee is established under division (S)(1) of 40482
this section, the person shall pay all applicable fees as 40483
expeditiously as possible after the submission of the electronic 40484
application. An application for a registration certificate, 40485
permit, variance, or plan approval for which an application fee is 40486
established under division (S)(1) of this section shall not be 40487
reviewed or processed until the applicable application fee, and 40488
any other fees established under this division, are paid. 40489

(2) Division (S)(1) of this section does not apply to an 40490
application for a registration certificate for a scrap tire 40491
collection or storage facility submitted under section 3734.75 or 40492
3734.76 of the Revised Code, as applicable, if the owner or 40493
operator of the facility or proposed facility is a motor vehicle 40494
salvage dealer licensed under Chapter 4738. of the Revised Code. 40495

(3) A person applying for coverage under an NPDES general 40496
discharge permit for household sewage treatment systems shall pay 40497
the following fees: 40498

(a) A nonrefundable fee of two hundred dollars at the time of 40499
application for initial permit coverage; 40500

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage. 40501
40502

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following: 40503
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(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications. 40506
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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 40514
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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 40519
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(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section; 40524
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(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an 40529
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unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee; 40532
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(4) Prescribe measures that the director considers necessary to carry out this section. 40534
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(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (S)(1)(c)(iii) of this section. 40536
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(V) Except as provided in divisions (L), (M), (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 40546
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 40555
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(X) As used in divisions (B), (D), (E), (F), (H), (I), and 40563
(J) of this section, and in any other provision of this section 40564
pertaining to fees paid pursuant to Chapter 3704. of the Revised 40565
Code: 40566

(1) "Facility," "federal Clean Air Act," "person," and "Title 40567
V permit" have the same meanings as in section 3704.01 of the 40568
Revised Code. 40569

(2) "Title V permit program" means the following activities 40570
as necessary to meet the requirements of Title V of the federal 40571
Clean Air Act and 40 C.F.R. part 70, including at least: 40572

(a) Preparing and adopting, if applicable, generally 40573
applicable rules or guidance regarding the permit program or its 40574
implementation or enforcement; 40575

(b) Reviewing and acting on any application for a Title V 40576
permit, permit revision, or permit renewal, including the 40577
development of an applicable requirement as part of the processing 40578
of a permit, permit revision, or permit renewal; 40579

(c) Administering the permit program, including the 40580
supporting and tracking of permit applications, compliance 40581
certification, and related data entry; 40582

(d) Determining which sources are subject to the program and 40583
implementing and enforcing the terms of any Title V permit, not 40584
including any court actions or other formal enforcement actions; 40585

(e) Emission and ambient monitoring; 40586

(f) Modeling, analyses, or demonstrations; 40587

(g) Preparing inventories and tracking emissions; 40588

(h) Providing direct and indirect support to small business 40589
stationary sources to determine and meet their obligations under 40590
the federal Clean Air Act pursuant to the small business 40591
stationary source technical and environmental compliance 40592

assistance program required by section 507 of that act and 40593
established in sections 3704.18, 3704.19, and 3706.19 of the 40594
Revised Code. 40595

(3) "Organic compound" means any chemical compound of carbon, 40596
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 40597
carbides or carbonates, and ammonium carbonate. 40598

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 40599
of this section, each sewage sludge facility shall pay a 40600
nonrefundable annual sludge fee equal to three dollars and fifty 40601
cents per dry ton of sewage sludge, including the dry tons of 40602
sewage sludge in materials derived from sewage sludge, that the 40603
sewage sludge facility treats or disposes of in this state. The 40604
annual volume of sewage sludge treated or disposed of by a sewage 40605
sludge facility shall be calculated using the first day of January 40606
through the thirty-first day of December of the calendar year 40607
preceding the date on which payment of the fee is due. 40608

(2)(a) Except as provided in division (Y)(2)(d) of this 40609
section, each sewage sludge facility shall pay a minimum annual 40610
sewage sludge fee of one hundred dollars. 40611

(b) The annual sludge fee required to be paid by a sewage 40612
sludge facility that treats or disposes of exceptional quality 40613
sludge in this state shall be thirty-five per cent less per dry 40614
ton of exceptional quality sludge than the fee assessed under 40615
division (Y)(1) of this section, subject to the following 40616
exceptions: 40617

(i) Except as provided in division (Y)(2)(d) of this section, 40618
a sewage sludge facility that treats or disposes of exceptional 40619
quality sludge shall pay a minimum annual sewage sludge fee of one 40620
hundred dollars. 40621

(ii) A sewage sludge facility that treats or disposes of 40622
exceptional quality sludge shall not be required to pay the annual 40623

sludge fee for treatment or disposal in this state of exceptional 40624
quality sludge generated outside of this state and contained in 40625
bags or other containers not greater than one hundred pounds in 40626
capacity. 40627

A thirty-five per cent reduction for exceptional quality 40628
sludge applies to the maximum annual fees established under 40629
division (Y)(3) of this section. 40630

(c) A sewage sludge facility that transfers sewage sludge to 40631
another sewage sludge facility in this state for further treatment 40632
prior to disposal in this state shall not be required to pay the 40633
annual sludge fee for the tons of sewage sludge that have been 40634
transferred. In such a case, the sewage sludge facility that 40635
disposes of the sewage sludge shall pay the annual sludge fee. 40636
However, the facility transferring the sewage sludge shall pay the 40637
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40638
of this section. 40639

In the case of a sewage sludge facility that treats sewage 40640
sludge in this state and transfers it out of this state to another 40641
entity for disposal, the sewage sludge facility in this state 40642
shall be required to pay the annual sludge fee for the tons of 40643
sewage sludge that have been transferred. 40644

(d) A sewage sludge facility that generates sewage sludge 40645
resulting from an average daily discharge flow of less than five 40646
thousand gallons per day is not subject to the fees assessed under 40647
division (Y) of this section. 40648

(3) No sewage sludge facility required to pay the annual 40649
sludge fee shall be required to pay more than the maximum annual 40650
fee for each disposal method that the sewage sludge facility uses. 40651
The maximum annual fee does not include the additional amount that 40652
may be charged under division (Y)(5) of this section for late 40653
payment of the annual sludge fee. The maximum annual fee for the 40654

following methods of disposal of sewage sludge is as follows: 40655

(a) Incineration: five thousand dollars; 40656

(b) Preexisting land reclamation project or disposal in a 40657
landfill: five thousand dollars; 40658

(c) Land application, land reclamation, surface disposal, or 40659
any other disposal method not specified in division (Y)(3)(a) or 40660
(b) of this section: twenty thousand dollars. 40661

(4)(a) In the case of an entity that generates sewage sludge 40662
or a sewage sludge facility that treats sewage sludge and 40663
transfers the sewage sludge to an incineration facility for 40664
disposal, the incineration facility, and not the entity generating 40665
the sewage sludge or the sewage sludge facility treating the 40666
sewage sludge, shall pay the annual sludge fee for the tons of 40667
sewage sludge that are transferred. However, the entity or 40668
facility generating or treating the sewage sludge shall pay the 40669
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40670
of this section. 40671

(b) In the case of an entity that generates sewage sludge and 40672
transfers the sewage sludge to a landfill for disposal or to a 40673
sewage sludge facility for land reclamation or surface disposal, 40674
the entity generating the sewage sludge, and not the landfill or 40675
sewage sludge facility, shall pay the annual sludge fee for the 40676
tons of sewage sludge that are transferred. 40677

(5) Not later than the first day of April of the calendar 40678
year following March 17, 2000, and each first day of April 40679
thereafter, the director shall issue invoices to persons who are 40680
required to pay the annual sludge fee. The invoice shall identify 40681
the nature and amount of the annual sludge fee assessed and state 40682
the first day of May as the deadline for receipt by the director 40683
of objections regarding the amount of the fee and the first day of 40684
July as the deadline for payment of the fee. 40685

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use,

storage, treatment, or disposal of sewage sludge. 40718

(7) Beginning in fiscal year 2001, and every two years 40719
thereafter, the director shall review the total amount of moneys 40720
generated by the annual sludge fees to determine if that amount 40721
exceeded six hundred thousand dollars in either of the two 40722
preceding fiscal years. If the total amount of moneys in the fund 40723
exceeded six hundred thousand dollars in either fiscal year, the 40724
director, after review of the fee structure and consultation with 40725
affected persons, shall issue an order reducing the amount of the 40726
fees levied under division (Y) of this section so that the 40727
estimated amount of moneys resulting from the fees will not exceed 40728
six hundred thousand dollars in any fiscal year. 40729

If, upon review of the fees under division (Y)(7) of this 40730
section and after the fees have been reduced, the director 40731
determines that the total amount of moneys collected and 40732
accumulated is less than six hundred thousand dollars, the 40733
director, after review of the fee structure and consultation with 40734
affected persons, may issue an order increasing the amount of the 40735
fees levied under division (Y) of this section so that the 40736
estimated amount of moneys resulting from the fees will be 40737
approximately six hundred thousand dollars. Fees shall never be 40738
increased to an amount exceeding the amount specified in division 40739
(Y)(7) of this section. 40740

Notwithstanding section 119.06 of the Revised Code, the 40741
director may issue an order under division (Y)(7) of this section 40742
without the necessity to hold an adjudicatory hearing in 40743
connection with the order. The issuance of an order under this 40744
division is not an act or action for purposes of section 3745.04 40745
of the Revised Code. 40746

(8) As used in division (Y) of this section: 40747

(a) "Sewage sludge facility" means an entity that performs 40748

treatment on or is responsible for the disposal of sewage sludge. 40749

(b) "Sewage sludge" means a solid, semi-solid, or liquid 40750
residue generated during the treatment of domestic sewage in a 40751
treatment works as defined in section 6111.01 of the Revised Code. 40752
"Sewage sludge" includes, but is not limited to, scum or solids 40753
removed in primary, secondary, or advanced wastewater treatment 40754
processes. "Sewage sludge" does not include ash generated during 40755
the firing of sewage sludge in a sewage sludge incinerator, grit 40756
and screenings generated during preliminary treatment of domestic 40757
sewage in a treatment works, animal manure, residue generated 40758
during treatment of animal manure, or domestic septage. 40759

(c) "Exceptional quality sludge" means sewage sludge that 40760
meets all of the following qualifications: 40761

(i) Satisfies the class A pathogen standards in 40 C.F.R. 40762
503.32(a); 40763

(ii) Satisfies one of the vector attraction reduction 40764
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 40765

(iii) Does not exceed the ceiling concentration limitations 40766
for metals listed in table one of 40 C.F.R. 503.13; 40767

(iv) Does not exceed the concentration limitations for metals 40768
listed in table three of 40 C.F.R. 503.13. 40769

(d) "Treatment" means the preparation of sewage sludge for 40770
final use or disposal and includes, but is not limited to, 40771
thickening, stabilization, and dewatering of sewage sludge. 40772

(e) "Disposal" means the final use of sewage sludge, 40773
including, but not limited to, land application, land reclamation, 40774
surface disposal, or disposal in a landfill or an incinerator. 40775

(f) "Land application" means the spraying or spreading of 40776
sewage sludge onto the land surface, the injection of sewage 40777
sludge below the land surface, or the incorporation of sewage 40778

sludge into the soil for the purposes of conditioning the soil or 40779
fertilizing crops or vegetation grown in the soil. 40780

(g) "Land reclamation" means the returning of disturbed land 40781
to productive use. 40782

(h) "Surface disposal" means the placement of sludge on an 40783
area of land for disposal, including, but not limited to, 40784
monofills, surface impoundments, lagoons, waste piles, or 40785
dedicated disposal sites. 40786

(i) "Incinerator" means an entity that disposes of sewage 40787
sludge through the combustion of organic matter and inorganic 40788
matter in sewage sludge by high temperatures in an enclosed 40789
device. 40790

(j) "Incineration facility" includes all incinerators owned 40791
or operated by the same entity and located on a contiguous tract 40792
of land. Areas of land are considered to be contiguous even if 40793
they are separated by a public road or highway. 40794

(k) "Annual sludge fee" means the fee assessed under division 40795
(Y)(1) of this section. 40796

(l) "Landfill" means a sanitary landfill facility, as defined 40797
in rules adopted under section 3734.02 of the Revised Code, that 40798
is licensed under section 3734.05 of the Revised Code. 40799

(m) "Preexisting land reclamation project" means a 40800
property-specific land reclamation project that has been in 40801
continuous operation for not less than five years pursuant to 40802
approval of the activity by the director and includes the 40803
implementation of a community outreach program concerning the 40804
activity. 40805

Sec. 3769.07. (A) Except as otherwise provided in this 40806
section, no permit shall be issued under sections 3769.01 to 40807
3769.14 of the Revised Code, authorizing the conduct of a live 40808

racing program for thoroughbred horses and quarter horses at any 40809
place, track, or enclosure except between the hours of twelve noon 40810
and seven p.m., for running horse-racing meetings, except that on 40811
special events days running horse-racing meetings may begin at 40812
nine a.m. by application to the state racing commission and except 40813
that the seven p.m. time may be extended to eight p.m. on a Sunday 40814
or holiday by application to the commission, and no permit shall 40815
be issued under those sections authorizing the conduct of a live 40816
racing program for harness horses at any place, track, or 40817
enclosure except between the hours of twelve noon and twelve 40818
midnight for light harness horse-racing meetings. The seven p.m. 40819
and eight p.m. closing times described in this section shall upon 40820
application to the commission be extended to nine p.m. for any 40821
running horse-racing meeting conducted between the fifteenth day 40822
of May and the fifteenth day of September at a track that is 40823
located more than twenty-five miles from a track located in this 40824
state where a light harness horse-racing meeting, other than a 40825
light harness horse-racing meeting at a county fair or independent 40826
fair, is being conducted and that is located less than twenty-five 40827
miles from a track located outside this state. A permit issued for 40828
horse racing at a county fair shall authorize live horse racing to 40829
begin at nine a.m. 40830

(B) No permit shall be granted for the holding or conducting 40831
of a horse-racing meeting after the tenth day of December in any 40832
calendar year, except for racing at winterized tracks. "Winterized 40833
track" means a track with enclosed club house or grandstand, 40834
all-weather racing track, heated facilities for jockeys or 40835
drivers, backstretch facilities that are properly prepared for 40836
winter racing, and adequate snow removal equipment available. 40837

(C) No permit shall be issued for more than an aggregate of 40838
fifty-six racing days in any one calendar year, except that an 40839
additional five days of racing may be approved by the commission 40840

upon application by a permit holder and except that an additional 40841
thirty days of racing may be granted for racing at any time after 40842
the fifteenth day of October and prior to the fifteenth day of 40843
March to a permit holder who has a winterized facility, but no 40844
more than thirty such additional days may be issued at any one 40845
track or enclosure. No more than an aggregate of fifty-six racing 40846
days shall be issued in any one calendar year for any one race 40847
track, place, or enclosure, except for the additional five days of 40848
racing for each permit holder which may be approved by the 40849
commission pursuant to this section, except as provided in 40850
sections 3769.071 and 3769.13 of the Revised Code, except for 40851
racing days granted as a result of a winterized facility, and 40852
except that the commission may issue a second permit for a maximum 40853
of fifty-six racing days for any one track, place, or enclosure, 40854
if the commission determines that the issuance of such second 40855
permit is not against the public interest. No such second permit 40856
shall be issued: 40857

~~(A)~~(1) For the operation of racing in any county with a 40858
population of less than seven hundred thousand or for the 40859
operation of racing in any county which has more than one race 40860
track at which a racing meet has been authorized, except as 40861
provided in this division and in sections 3769.071 and 3769.13 of 40862
the Revised Code, in the same year by the commission. A second 40863
permit issued pursuant to this division may be issued at either or 40864
both race tracks in a county that has only two race tracks if a 40865
racing meet has been authorized at both race tracks in the same 40866
year by the commission and one race track has been authorized to 40867
conduct thoroughbred racing meets and the other race track has 40868
been authorized to conduct harness racing meets. When such second 40869
permit is issued pursuant to this division for racing at the one 40870
race track, racing shall not be conducted at that race track on 40871
the same day that racing is conducted at the other race track in 40872
the county except by mutual agreement of the two race tracks. 40873

~~(B)~~(2) To any corporation having one or more shareholders 40874
owning an interest in any other permit issued by the commission 40875
for the operation of racing, in the same year, at any other race 40876
track, place, or enclosure in this state; 40877

~~(C)~~(3) To any person, association, or trust which owns, or 40878
which has any members owning, an interest in any other permit 40879
issued by the commission for the operation of racing, in the same 40880
year, at any other race track, place, or enclosure in this state. 40881

(D) No permit shall be issued so as to permit live racing 40882
programs on the same hour at more than one track in one county or 40883
on tracks in operation in 1975 within fifty miles of each other, 40884
nor shall any other form of pari-mutuel wagering other than horse 40885
racing be permitted within seventy-five miles of a track where 40886
horse racing is being conducted, except that this provision shall 40887
not apply to a horse-racing meeting held at the state fair or at a 40888
fair conducted by a county agricultural society or at a fair 40889
conducted by an independent agricultural society. Distribution of 40890
days shall not apply to fairs or horse shows not required to 40891
secure a permit under such section. ~~Notwithstanding~~ 40892

(E) ~~Notwithstanding any other contrary provision of this~~ 40893
~~chapter, a~~The Revised Code: 40894

(1) No person, association, trust, or corporation may own or 40895
operate or entity shall be issued permits to conduct horse-racing 40896
meetings at more than two separate facilities in this state that 40897
are conducting horse-racing meetings at any one time. 40898

(2) No person or entity shall be issued permits to conduct 40899
thoroughbred horse-racing meetings at more than one facility in 40900
this state at any one time. 40901

(3) No person or entity shall be a management company for 40902
persons or entities that have been issued permits to conduct 40903
horse-racing meetings at more than two facilities in this state at 40904

any one time. 40905

(4) A person or entity is not prohibited from owning more 40906
than two facilities in this state at which horse-racing meetings 40907
are conducted, so long as the person or entity is not in violation 40908
of division (E)(1), (2), or (3) of this section. 40909

(F) A permit, granted under sections 3769.01 to 3769.14 of 40910
the Revised Code, shall be conspicuously displayed during the 40911
horse-racing meeting in the principal office at such race track 40912
and at all reasonable times shall be exhibited to any authorized 40913
person requesting to see the same. 40914

Sec. 3772.19. ~~A person~~ No casino operator shall ~~not~~ hold a 40915
majority ownership interest in, ~~or be a management company for,~~ 40916
more than two casino operator licenses or casino facilities at any 40917
one time. ~~A person shall not hold a majority ownership interest~~ 40918
~~in, or be a management company, for more than two tracks at which~~ 40919
~~horse racing where the pari mutuel system of wagering is conducted~~ 40920
~~at any one time, of which not more than one shall be a track for~~ 40921
~~thoroughbred horses.~~ No person shall be a management company for 40922
casino operators licensed to operate more than two casino 40923
facilities in this state at any one time. 40924

Sec. 3781.06. (A)(1) Any building that may be used as a place 40925
of resort, assembly, education, entertainment, lodging, dwelling, 40926
trade, manufacture, repair, storage, traffic, or occupancy by the 40927
public, any residential building, and all other buildings or parts 40928
and appurtenances of those buildings erected within this state, 40929
shall be so constructed, erected, equipped, and maintained that 40930
they shall be safe and sanitary for their intended use and 40931
occupancy. 40932

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 40933
3791.04 of the Revised Code shall be construed to limit the power 40934

of the division of industrial compliance of the department of 40935
commerce to adopt rules of uniform application governing 40936
manufactured home parks pursuant to section 4781.26 of the Revised 40937
Code. 40938

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 40939
Revised Code do not apply to either of the following: 40940

(1) Buildings or structures that are incident to the use for 40941
agricultural purposes of the land on which the buildings or 40942
structures are located, provided those buildings or structures are 40943
not used in the business of retail trade. For purposes of this 40944
division, a building or structure is not considered used in the 40945
business of retail trade if fifty per cent or more of the gross 40946
income received from sales of products in the building or 40947
structure by the owner or operator is from sales of products 40948
produced or raised in a normal crop year on farms owned or 40949
operated by the seller. 40950

(2) Existing single-family, two-family, and three-family 40951
detached dwelling houses for which applications have been 40952
submitted to the director of job and family services pursuant to 40953
section 5104.03 of the Revised Code for the purposes of operating 40954
type A family day-care homes as defined in section 5104.01 of the 40955
Revised Code. 40956

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 40957
Revised Code: 40958

(1) "Agricultural purposes" include agriculture, farming, 40959
dairying, pasturage, apiculture, algaculture meaning the farming 40960
of algae, horticulture, floriculture, viticulture, ornamental 40961
horticulture, olericulture, pomiculture, and animal and poultry 40962
husbandry. 40963

(2) "Building" means any structure consisting of foundations, 40964
walls, columns, girders, beams, floors, and roof, or a combination 40965

of any number of these parts, with or without other parts or appurtenances. 40966
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(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code. 40968
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(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. 40979
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(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed. 40988
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(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria: 40993
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(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities; 40995
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(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as

defined by division (C)(3) of this section, a manufactured home as 41028
defined by division (C)(4) of this section, or a mobile home as 41029
defined by division (O) of section 4501.01 of the Revised Code. 41030

(10) "Nonresidential building" means any building that is not 41031
a residential building or a manufactured or mobile home. 41032

(11) "Accessory structure" means a structure that is attached 41033
to a residential building and serves the principal use of the 41034
residential building. "Accessory structure" includes, but is not 41035
limited to, a garage, porch, or screened-in patio. 41036

Sec. 3781.061. Whenever a county zoning inspector under 41037
section 303.16 of the Revised Code, or a township zoning inspector 41038
under section 519.16 of the Revised Code, issues a zoning 41039
certificate that declares a specific building or structure is to 41040
be used in agriculture, such building is not subject to sections 41041
3781.06 to 3781.20, 3781.40, or 3791.04 of the Revised Code. 41042

Sec. 3781.10. (A)(1) The board of building standards shall 41043
formulate and adopt rules governing the erection, construction, 41044
repair, alteration, and maintenance of all buildings or classes of 41045
buildings specified in section 3781.06 of the Revised Code, 41046
including land area incidental to those buildings, the 41047
construction of industrialized units, the installation of 41048
equipment, and the standards or requirements for materials used in 41049
connection with those buildings. The board shall incorporate those 41050
rules into separate residential and nonresidential building codes. 41051
The standards shall relate to the conservation of energy and the 41052
safety and sanitation of those buildings. 41053

(2) The rules governing nonresidential buildings are the 41054
lawful minimum requirements specified for those buildings and 41055
industrialized units, except that no rule other than as provided 41056
in division (C) of section 3781.108 of the Revised Code that 41057

specifies a higher requirement than is imposed by any section of 41058
the Revised Code is enforceable. The rules governing residential 41059
buildings are uniform requirements for residential buildings in 41060
any area with a building department certified to enforce the state 41061
residential building code. In no case shall any local code or 41062
regulation differ from the state residential building code unless 41063
that code or regulation addresses subject matter not addressed by 41064
the state residential building code or is adopted pursuant to 41065
section 3781.01 of the Revised Code. 41066

(3) The rules adopted pursuant to this section are complete, 41067
lawful alternatives to any requirements specified for buildings or 41068
industrialized units in any section of the Revised Code. Except as 41069
otherwise provided in division (I) of this section, the board 41070
shall, on its own motion or on application made under sections 41071
3781.12 and 3781.13 of the Revised Code, formulate, propose, 41072
adopt, modify, amend, or repeal the rules to the extent necessary 41073
or desirable to effectuate the purposes of sections 3781.06 to 41074
3781.18 of the Revised Code. 41075

(B) The board shall report to the general assembly proposals 41076
for amendments to existing statutes relating to the purposes 41077
declared in section 3781.06 of the Revised Code that public health 41078
and safety and the development of the arts require and shall 41079
recommend any additional legislation to assist in carrying out 41080
fully, in statutory form, the purposes declared in that section. 41081
The board shall prepare and submit to the general assembly a 41082
summary report of the number, nature, and disposition of the 41083
petitions filed under sections 3781.13 and 3781.14 of the Revised 41084
Code. 41085

(C) On its own motion or on application made under sections 41086
3781.12 and 3781.13 of the Revised Code, and after thorough 41087
testing and evaluation, the board shall determine by rule that any 41088
particular fixture, device, material, process of manufacture, 41089

manufactured unit or component, method of manufacture, system, or 41090
method of construction complies with performance standards adopted 41091
pursuant to section 3781.11 of the Revised Code. The board shall 41092
make its determination with regard to adaptability for safe and 41093
sanitary erection, use, or construction, to that described in any 41094
section of the Revised Code, wherever the use of a fixture, 41095
device, material, method of manufacture, system, or method of 41096
construction described in that section of the Revised Code is 41097
permitted by law. The board shall amend or annul any rule or issue 41098
an authorization for the use of a new material or manufactured 41099
unit on any like application. No department, officer, board, or 41100
commission of the state other than the board of building standards 41101
or the board of building appeals shall permit the use of any 41102
fixture, device, material, method of manufacture, newly designed 41103
product, system, or method of construction at variance with what 41104
is described in any rule the board of building standards adopts or 41105
issues or that is authorized by any section of the Revised Code. 41106
Nothing in this section shall be construed as requiring approval, 41107
by rule, of plans for an industrialized unit that conforms with 41108
the rules the board of building standards adopts pursuant to 41109
section 3781.11 of the Revised Code. 41110

(D) The board shall recommend rules, codes, and standards to 41111
help carry out the purposes of section 3781.06 of the Revised Code 41112
and to help secure uniformity of state administrative rulings and 41113
local legislation and administrative action to the bureau of 41114
workers' compensation, the director of commerce, any other 41115
department, officer, board, or commission of the state, and to 41116
legislative authorities and building departments of counties, 41117
townships, and municipal corporations, and shall recommend that 41118
they audit those recommended rules, codes, and standards by any 41119
appropriate action that they are allowed pursuant to law or the 41120
constitution. 41121

(E)(1) The board shall certify municipal, township, and 41122
county building departments ~~and~~, the personnel of those building 41123
departments, ~~and~~ persons described in division (E)(7) of this 41124
section, and employees of individuals, firms, the state, or 41125
corporations ~~as~~ described in division (E)(7) of this section to 41126
exercise enforcement authority, to accept and approve plans and 41127
specifications, and to make inspections, pursuant to sections 41128
3781.03, 3791.04, and 4104.43 of the Revised Code. 41129

(2) The board shall certify departments, personnel, and 41130
persons to enforce the state residential building code, to enforce 41131
the nonresidential building code, or to enforce both the 41132
residential and the nonresidential building codes. Any department, 41133
personnel, or person may enforce only the type of building code 41134
for which certified. 41135

(3) The board shall not require a building department, its 41136
personnel, or any persons that it employs to be certified for 41137
residential building code enforcement if that building department 41138
does not enforce the state residential building code. The board 41139
shall specify, in rules adopted pursuant to Chapter 119. of the 41140
Revised Code, the requirements for certification for residential 41141
and nonresidential building code enforcement, which shall be 41142
consistent with this division. The requirements for residential 41143
and nonresidential certification may differ. Except as otherwise 41144
provided in this division, the requirements shall include, but are 41145
not limited to, the satisfactory completion of an initial 41146
examination and, to remain certified, the completion of a 41147
specified number of hours of continuing building code education 41148
within each three-year period following the date of certification 41149
which shall be not less than thirty hours. The rules shall provide 41150
that continuing education credits and certification issued by the 41151
council of American building officials, national model code 41152
organizations, and agencies or entities the board recognizes are 41153

acceptable for purposes of this division. The rules shall specify 41154
requirements that are consistent with the provisions of section 41155
5903.12 of the Revised Code relating to active duty military 41156
service and are compatible, to the extent possible, with 41157
requirements the council of American building officials and 41158
national model code organizations establish. 41159

(4) The board shall establish and collect a certification and 41160
renewal fee for building department personnel, and persons and 41161
employees of persons, firms, or corporations as described in this 41162
section, who are certified pursuant to this division. 41163

(5) Any individual certified pursuant to this division shall 41164
complete the number of hours of continuing building code education 41165
that the board requires or, for failure to do so, forfeit 41166
certification. 41167

(6) This division does not require or authorize the board to 41168
certify personnel of municipal, township, and county building 41169
departments, and persons and employees of persons, firms, or 41170
corporations as described in this section, whose responsibilities 41171
do not include the exercise of enforcement authority, the approval 41172
of plans and specifications, or making inspections under the state 41173
residential and nonresidential building codes. 41174

(7) Enforcement authority for approval of plans and 41175
specifications and enforcement authority for inspections may be 41176
exercised, and plans and specifications may be approved and 41177
inspections may be made on behalf of a municipal corporation, 41178
township, or county, by any of the following who the board of 41179
building standards certifies: 41180

(a) Officers or employees of the municipal corporation, 41181
township, or county; 41182

(b) Persons, or employees of persons, firms, or corporations, 41183
pursuant to a contract to furnish architectural, engineering, or 41184

other services to the municipal corporation, township, or county;	41185
(c) Officers or employees of, and persons under contract	41186
with, a municipal corporation, township, county, health district,	41187
or other political subdivision, pursuant to a contract to furnish	41188
architectural, engineering, or other services;	41189
<u>(d) Officers or employees of the division of industrial</u>	41190
<u>compliance in the department of commerce pursuant to a contract</u>	41191
<u>authorized by division (B) of section 121.083 of the Revised Code.</u>	41192
(8) Municipal, township, and county building departments have	41193
jurisdiction within the meaning of sections 3781.03, 3791.04, and	41194
4104.43 of the Revised Code, only with respect to the types of	41195
buildings and subject matters for which they are certified under	41196
this section.	41197
(9) A certified municipal, township, or county building	41198
department may exercise enforcement authority, accept and approve	41199
plans and specifications, and make inspections pursuant to	41200
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a	41201
park district created pursuant to Chapter 1545. of the Revised	41202
Code upon the approval, by resolution, of the board of park	41203
commissioners of the park district requesting the department to	41204
exercise that authority and conduct those activities, as	41205
applicable.	41206
(10) Certification shall be granted upon application by the	41207
municipal corporation, the board of township trustees, or the	41208
board of county commissioners and approval of that application by	41209
the board of building standards. The application shall set forth:	41210
(a) Whether the certification is requested for residential or	41211
nonresidential buildings, or both;	41212
(b) The number and qualifications of the staff composing the	41213
building department;	41214

(c) The names, addresses, and qualifications of persons,	41215
firms, or corporations contracting to furnish work or services	41216
pursuant to division (E)(7)(b) of this section;	41217
(d) The names of any other municipal corporation, township,	41218
county, health district, or political subdivision under contract	41219
to furnish work or services pursuant to division (E)(7) of this	41220
section;	41221
(e) The proposed budget for the operation of the building	41222
department.	41223
(11) The board of building standards shall adopt rules	41224
governing all of the following:	41225
(a) The certification of building department personnel and	41226
persons and employees of persons, firms, or corporations	41227
exercising authority pursuant to division (E)(7) of this section.	41228
The rules shall disqualify any employee of the department or	41229
person who contracts for services with the department from	41230
performing services for the department when that employee or	41231
person would have to pass upon, inspect, or otherwise exercise	41232
authority over any labor, material, or equipment the employee or	41233
person furnishes for the construction, alteration, or maintenance	41234
of a building or the preparation of working drawings or	41235
specifications for work within the jurisdictional area of the	41236
department. The department shall provide other similarly qualified	41237
personnel to enforce the residential and nonresidential building	41238
codes as they pertain to that work.	41239
(b) The minimum services to be provided by a certified	41240
building department.	41241
(12) The board of building standards may revoke or suspend	41242
certification to enforce the residential and nonresidential	41243
building codes, on petition to the board by any person affected by	41244
that enforcement or approval of plans, or by the board on its own	41245

motion. Hearings shall be held and appeals permitted on any 41246
proceedings for certification or revocation or suspension of 41247
certification in the same manner as provided in section 3781.101 41248
of the Revised Code for other proceedings of the board of building 41249
standards. 41250

(13) Upon certification, and until that authority is revoked, 41251
any county or township building department shall enforce the 41252
residential and nonresidential building codes for which it is 41253
certified without regard to limitation upon the authority of 41254
boards of county commissioners under Chapter 307. of the Revised 41255
Code or boards of township trustees under Chapter 505. of the 41256
Revised Code. 41257

(F) In addition to hearings sections 3781.06 to 3781.18 and 41258
3791.04 of the Revised Code require, the board of building 41259
standards shall make investigations and tests, and require from 41260
other state departments, officers, boards, and commissions 41261
information the board considers necessary or desirable to assist 41262
it in the discharge of any duty or the exercise of any power 41263
mentioned in this section or in sections 3781.06 to 3781.18, 41264
3791.04, and 4104.43 of the Revised Code. 41265

(G) The board shall adopt rules and establish reasonable fees 41266
for the review of all applications submitted where the applicant 41267
applies for authority to use a new material, assembly, or product 41268
of a manufacturing process. The fee shall bear some reasonable 41269
relationship to the cost of the review or testing of the 41270
materials, assembly, or products and for the notification of 41271
approval or disapproval as provided in section 3781.12 of the 41272
Revised Code. 41273

(H) The residential construction advisory committee shall 41274
provide the board with a proposal for a state residential building 41275
code that the committee recommends pursuant to division (D)(1) of 41276
section 4740.14 of the Revised Code. Upon receiving a 41277

recommendation from the committee that is acceptable to the board, 41278
the board shall adopt rules establishing that code as the state 41279
residential building code. 41280

(I)(1) The committee may provide the board with proposed 41281
rules to update or amend the state residential building code that 41282
the committee recommends pursuant to division (E) of section 41283
4740.14 of the Revised Code. 41284

(2) If the board receives a proposed rule to update or amend 41285
the state residential building code as provided in division (I)(1) 41286
of this section, the board either may accept or reject the 41287
proposed rule for incorporation into the residential building 41288
code. If the board does not act to either accept or reject the 41289
proposed rule within ninety days after receiving the proposed rule 41290
from the committee as described in division (I)(1) of this 41291
section, the proposed rule shall become part of the residential 41292
building code. 41293

(J) The board shall cooperate with the director of job and 41294
family services when the director promulgates rules pursuant to 41295
section 5104.05 of the Revised Code regarding safety and 41296
sanitation in type A family day-care homes. 41297

(K) The board shall adopt rules to implement the requirements 41298
of section 3781.108 of the Revised Code. 41299

Sec. 3781.1010. (A) No rule of the board of building 41300
standards for the erection, construction, repair, alteration, and 41301
maintenance of buildings adopted under section 3781.10 of the 41302
Revised Code shall require the installation of a storm shelter in 41303
any of the following: 41304

(1) Prior to September 15, 2019, a school building operated 41305
by a public or private school ~~prior to September 15, 2019,~~ or in 41306
any such school building undergoing or about to undergo 41307

construction, alteration, repair, or maintenance for which 41308
financing has been secured prior to that date. ~~Any~~ 41309

(2) Prior to September 15, 2021, any school building operated 41310
by a public school, which has undergone a construction, 41311
alteration, repair, or maintenance project financed under Chapter 41312
3318. of the Revised Code or under any other state appropriation 41313
specifically made for that purpose, or in any such school building 41314
for which state-assisted financing has been approved prior to that 41315
date. 41316

(B) Any rule adopted by the board that conflicts with this 41317
section shall not be effective with respect to any school building 41318
prior to ~~September 15, 2019~~ the respective date prescribed in 41319
division (A)(1) or (2) of this section. 41320

(C) As used in this section, "school building," "public 41321
school," and "private school" have the same meanings as in section 41322
3781.106 of the Revised Code. 41323

Sec. 3781.40. (A) As used in this section: 41324

(1) "Adequate welding standards" means specifications, 41325
guidelines, tests, and other methods used to ensure that all 41326
structural steel welds meet, at minimum, the codes and standards 41327
for such welds established in the American welding society 41328
structural steel welding code D1.1 and the nonresidential building 41329
code adopted under section 3781.10 of the Revised Code. 41330

(2) "Certified welding inspector" means a person who has been 41331
certified by the American welding society to inspect structural 41332
steel welding projects and conduct welder qualification tests. 41333

(3) "Structural steel welding" means structural welds, weld 41334
repair, the structural system, and the welding of all primary 41335
steel members of a structure in accordance with the American 41336
welding society structural steel welding code D1.1. "Structural 41337

steel welding" does not include welding that is required by the 41338
American society of mechanical engineers to have its own 41339
certification. 41340

(B) A contractor, subcontractor, or construction manager 41341
whose workers are welding the structural steel on a construction 41342
project shall ensure that all of the following occur: 41343

(1) The workers performing the structural steel welding have 41344
been tested by and hold a valid certification from a facility that 41345
or individual who has been accredited by the American welding 41346
society to test and certify welders and welding inspectors. 41347

(2) All structural steel welds performed for the project meet 41348
adequate welding standards and are listed in the project's job 41349
specifications. 41350

(3) All structural steel welding inspections listed in the 41351
project's job specifications are completed by a certified welding 41352
inspector. 41353

(C) No person shall recklessly fail to comply with this 41354
section. 41355

Sec. 3798.01. As used in this chapter: 41356

(A) "Administrative safeguards," "physical safeguards," and 41357
"technical safeguards" have the same meanings as in 45 C.F.R. 41358
164.304. 41359

(B) ~~"Approved health information exchange" means a health~~ 41360
~~information exchange that has been approved or reapproved by the~~ 41361
~~medicaid director pursuant to the approval or reapproval process,~~ 41362
~~as applicable, the director establishes in rules adopted under~~ 41363
~~division (A) of section 3798.15 of the Revised Code or that has~~ 41364
~~been certified by the office of the national coordinator for~~ 41365
~~health information technology in the United States department of~~ 41366
~~health and human services.~~ 41367

~~(C)~~ "Covered entity," "disclosure," "health care provider," 41368
"health information," "individually identifiable health 41369
information," "protected health information," and "use" have the 41370
same meanings as in 45 C.F.R. 160.103. 41371

~~(D)~~(C) "Designated record set" has the same meaning as in 45 41372
C.F.R. 164.501. 41373

~~(E)~~(D) "Direct exchange" means the activity of electronic 41374
transmission of health information through a direct connection 41375
between the electronic record systems of health care providers 41376
without the use of a health information exchange. 41377

~~(F)~~(E) "Health care component" and "hybrid entity" have the 41378
same meanings as in 45 C.F.R. 164.103. 41379

~~(G)~~(F) "Health information exchange" means any person or 41380
governmental entity that provides in this state a technical 41381
infrastructure to connect computer systems or other electronic 41382
devices used by covered entities to facilitate the secure 41383
transmission of health information. "Health information exchange" 41384
excludes health care providers engaged in direct exchange, 41385
including direct exchange through the use of a health information 41386
service provider. 41387

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy 41388
of individually identifiable health information in 45 C.F.R. part 41389
160 and in 45 C.F.R. part 164, subparts A and E. 41390

~~(I)~~(H) "Interoperability" means the capacity of two or more 41391
information systems to exchange information in an accurate, 41392
effective, secure, and consistent manner. 41393

~~(J)~~(I) "Minor" means an unemancipated person under eighteen 41394
years of age or a mentally or physically disabled person under 41395
twenty-one years of age who meets criteria specified in rules 41396
adopted by the medicaid director under section 3798.13 of the 41397
Revised Code. 41398

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 41399
160.202. 41400

~~(L)~~ "Office of health transformation" means the office of 41401
health transformation created by executive order 2011-02K or a 41402
successor governmental entity responsible for health system 41403
oversight in this state. 41404

~~(M)~~(K) "Personal representative" means a person who has 41405
authority under applicable law to make decisions related to health 41406
care on behalf of an adult or emancipated minor, or the parent, 41407
legal guardian, or other person acting in loco parentis who is 41408
authorized under law to make health care decisions on behalf of an 41409
unemancipated minor. "Personal representative" does not include 41410
the parent or legal guardian of, or another person acting in loco 41411
parentis to, a minor who consents to the minor's own receipt of 41412
health care or a minor who makes medical decisions on the minor's 41413
own behalf pursuant to law, court approval, or because the minor's 41414
parent, legal guardian, or other person acting in loco parentis 41415
has assented to an agreement of confidentiality between the 41416
provider and the minor. 41417

~~(N)~~(L) "Political subdivision" means a municipal corporation, 41418
township, county, school district, or other body corporate and 41419
politic responsible for governmental activities in a geographic 41420
area smaller than that of the state. 41421

~~(O)~~(M) "State agency" means any one or more of the following: 41422

(1) The department of administrative services; 41423

(2) The department of aging; 41424

(3) The department of mental health and addiction services; 41425

(4) The department of developmental disabilities; 41426

(5) The department of education; 41427

(6) The department of health; 41428

(7) The department of insurance;	41429
(8) The department of job and family services;	41430
(9) The department of medicaid;	41431
(10) The department of rehabilitation and correction;	41432
(11) The department of youth services;	41433
(12) The bureau of workers' compensation;	41434
(13) The opportunities for Ohioans with disabilities agency;	41435
(14) The office of the attorney general;	41436
(15) A health care licensing board created under Title XLVII	41437
of the Revised Code that possesses individually identifiable	41438
health information.	41439
Sec. 3798.07. (A) In addition to a covered entity generally	41440
being subject to the conditions specified in divisions (A) to (D)	41441
of section 3798.06 of the Revised Code when the covered entity	41442
discloses protected health information to a health information	41443
exchange without a valid authorization, the A covered entity shall	41444
also be subject to the following conditions when it discloses	41445
protected health information to a health information exchange:	41446
(1) The covered entity shall restrict disclosure consistent	41447
with all applicable federal laws governing the disclosure + .	41448
(2) If the protected health information concerns a minor, the	41449
covered entity shall restrict disclosure in a manner that complies	41450
with laws of this state pertaining to the circumstances under	41451
which a minor may consent to the minor's own receipt of health	41452
care or make medical decisions on the minor's own behalf,	41453
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04,	41454
and 5126.043 of the Revised Code unless the minor authorizes the	41455
disclosure.	41456
(3) The covered entity shall restrict disclosure in a manner	41457

that is consistent with a written request from the individual or 41458
the individual's personal representative to restrict disclosure of 41459
all of the individual's protected health information. 41460

~~(4) The covered entity shall restrict disclosure in a manner 41461
that is consistent with a written request from the individual or 41462
the individual's personal representative concerning specific 41463
categories of protected health information to the extent that 41464
rules adopted pursuant to section 3798.16 of the Revised Code 41465
require the covered entity to comply with such a request. 41466~~

(B) The conditions in division (A) of this section on a 41467
covered entity's disclosure of protected health information to a 41468
health information exchange do not render unenforceable or 41469
restrict in any manner any of the following: 41470

(1) A provision of the Revised Code that on ~~the effective~~ 41471
~~date of this section~~ September 10, 2012, requires a person or 41472
governmental entity to disclose protected health information to a 41473
state agency, political subdivision, or other governmental entity; 41474

(2) The confidential status of proceedings and records within 41475
the scope of a peer review committee of a health care entity as 41476
described in section 2305.252 of the Revised Code; 41477

(3) The confidential status of quality assurance program 41478
activities and quality assurance records as described in section 41479
5122.32 of the Revised Code; 41480

(4) The testimonial privilege established by division (B) of 41481
section 2317.02 of the Revised Code; 41482

(5) Any of the following items that govern the 41483
confidentiality, privacy, security, or privileged status of 41484
protected health information in the possession or custody of an 41485
agency as defined in section 111.15 of the Revised Code; govern 41486
the process for obtaining from a patient consent to the provision 41487
of health care or consent for participation in medical or other 41488

scientific research; govern the process for determining whether an	41489
adult has a physical or mental impairment or an adult's capacity	41490
to make health care decisions for purposes of Chapter 5126. of the	41491
Revised Code; or govern the process for determining whether a	41492
minor has been emancipated:	41493
(a) A section of the Revised Code that is not in this	41494
chapter;	41495
(b) A rule as defined in section 119.01 of the Revised Code;	41496
(c) An internal management rule as defined in section 111.15	41497
of the Revised Code;	41498
(d) Guidance issued by an agency as defined in section 111.15	41499
of the Revised Code;	41500
(e) Orders or regulations of a board of health of a city	41501
health district made under section 3709.20 of the Revised Code;	41502
(f) Orders or regulations of a board of health of a general	41503
health district made under section 3709.21 of the Revised Code;	41504
(g) An ordinance or resolution adopted by a political	41505
subdivision;	41506
(h) A professional code of ethics;	41507
(i) When a minor is authorized to consent to the minor's own	41508
receipt of health care or make medical decisions on the minor's	41509
own behalf, including the circumstances described in sections	41510
2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of	41511
the Revised Code.	41512
Sec. 3798.10. (A) Not later than six months after September	41513
10, 2012, the <u>The</u> medicaid director, in consultation with the	41514
office of health transformation, shall prescribe by rules adopted	41515
in accordance with Chapter 119. of the Revised Code a standard	41516
authorization form for the use and disclosure of protected health	41517

information by covered entities in this state. The form shall meet 41518
all requirements specified in 45 C.F.R. 164.508 and, where 41519
applicable, 42 C.F.R. part 2. 41520

(B) If a form the medicaid director prescribes under division 41521
(A) of this section is properly executed by an individual or the 41522
individual's personal representative, it shall be accepted by any 41523
person or governmental entity in this state as valid authorization 41524
for the use or disclosure of the individual's protected health 41525
information to the persons or governmental entities specified in 41526
the form. 41527

(C) This section does not preclude a person or governmental 41528
entity from accepting as valid authorization for the use or 41529
disclosure of protected health information a form other than the 41530
form prescribed under division (A) of this section if the other 41531
form meets all requirements specified in 45 C.F.R. 164.508 and, if 41532
applicable, 42 C.F.R. part 2. 41533

Sec. 3901.381. (A) Except as provided in sections 3901.382, 41534
3901.383, 3901.384, and 3901.386 of the Revised Code, a 41535
third-party payer shall process a claim for payment for health 41536
care services rendered by a provider to a beneficiary in 41537
accordance with this section. 41538

(B)(1) Unless division (B)(2) or (3) of this section applies, 41539
when a third-party payer receives from a provider or beneficiary a 41540
claim on the standard claim form prescribed in rules adopted by 41541
the superintendent of insurance under section 3902.22 of the 41542
Revised Code, the third-party payer shall pay or deny the claim 41543
not later than thirty days after receipt of the claim. When a 41544
third-party payer denies a claim, the third-party payer shall 41545
notify the provider and the beneficiary. The notice shall state, 41546
with specificity, why the third-party payer denied the claim. 41547

(2)(a) Unless division (B)(3) of this section applies, when a provider or beneficiary has used the standard claim form, but the third-party payer determines that reasonable supporting documentation is needed to establish the third-party payer's responsibility to make payment, the third-party payer shall pay or deny the claim not later than forty-five days after receipt of the claim. Supporting documentation includes the verification of employer and beneficiary coverage under a benefits contract, confirmation of premium payment, medical information regarding the beneficiary and the services provided, information on the responsibility of another third-party payer to make payment or confirmation of the amount of payment by another third-party payer, and information that is needed to correct material deficiencies in the claim related to a diagnosis or treatment or the provider's identification.

Not later than thirty days after receipt of the claim, the third-party payer shall notify all relevant external sources that the supporting documentation is needed. All such notices shall state, with specificity, the supporting documentation needed. If the notice was not provided in writing, the provider, beneficiary, or third-party payer may request the third-party payer to provide the notice in writing, and the third-party payer shall then provide the notice in writing. If any of the supporting documentation is under the control of the beneficiary, the beneficiary shall provide the supporting documentation to the third-party payer.

The number of days that elapse between the third-party payer's last request for supporting documentation within the thirty-day period and the third-party payer's receipt of all of the supporting documentation that was requested shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days

for payment or denial of a claim. Except as provided in division 41580
(B)(2)(b) of this section, if the third-party payer requests 41581
additional supporting documentation after receiving the initially 41582
requested documentation, the number of days that elapse between 41583
making the request and receiving the additional supporting 41584
documentation shall be counted for purposes of determining the 41585
third-party payer's compliance with the time period of not more 41586
than forty-five days. 41587

(b) If a third-party payer determines, after receiving 41588
initially requested documentation, that it needs additional 41589
supporting documentation pertaining to a beneficiary's preexisting 41590
condition, which condition was unknown to the third-party payer 41591
and about which it was reasonable for the third-party payer to 41592
have no knowledge at the time of its initial request for 41593
documentation, and the third-party payer subsequently requests 41594
this additional supporting documentation, the number of days that 41595
elapse between making the request and receiving the additional 41596
supporting documentation shall not be counted for purposes of 41597
determining the third-party payer's compliance with the time 41598
period of not more than forty-five days. 41599

(c) When a third-party payer denies a claim, the third-party 41600
payer shall notify the provider and the beneficiary. The notice 41601
shall state, with specificity, why the third-party payer denied 41602
the claim. 41603

(d) If a third-party payer determines that supporting 41604
documentation related to medical information is routinely 41605
necessary to process a claim for payment of a particular health 41606
care service, the third-party payer shall establish a description 41607
of the supporting documentation that is routinely necessary and 41608
make the description available to providers in a readily 41609
accessible format. 41610

Third-party payers and providers shall, in connection with a 41611

claim, use the most current CPT code in effect, as published by 41612
the American medical association, the most current ICD-10 code in 41613
effect, as published by the United States department of health and 41614
human services, the most current CDT code in effect, as published 41615
by the American dental association, or the most current HCPCS code 41616
in effect, as published by the United States ~~health care financing~~ 41617
~~administration~~ centers for medicare and medicaid services. 41618

(3) When a provider or beneficiary submits a claim by using 41619
the standard claim form prescribed in the superintendent's rules, 41620
but the information provided in the claim is materially deficient, 41621
the third-party payer shall notify the provider or beneficiary not 41622
later than fifteen days after receipt of the claim. The notice 41623
shall state, with specificity, the information needed to correct 41624
all material deficiencies. Once the material deficiencies are 41625
corrected, the third-party payer shall proceed in accordance with 41626
division (B)(1) or (2) of this section. 41627

It is not a violation of the notification time period of not 41628
more than fifteen days if a third-party payer fails to notify a 41629
provider or beneficiary of material deficiencies in the claim 41630
related to a diagnosis or treatment or the provider's 41631
identification. A third-party payer may request the information 41632
necessary to correct these deficiencies after the end of the 41633
notification time period. Requests for such information shall be 41634
made as requests for supporting documentation under division 41635
(B)(2) of this section, and payment or denial of the claim is 41636
subject to the time periods specified in that division. 41637

(C) For purposes of this section, if a dispute exists between 41638
a provider and a third-party payer as to the day a claim form was 41639
received by the third-party payer, both of the following apply: 41640

(1) If the provider or a person acting on behalf of the 41641
provider submits a claim directly to a third-party payer by mail 41642
and retains a record of the day the claim was mailed, there exists 41643

a rebuttable presumption that the claim was received by the 41644
third-party payer on the fifth business day after the day the 41645
claim was mailed, unless it can be proven otherwise. 41646

(2) If the provider or a person acting on behalf of the 41647
provider submits a claim directly to a third-party payer 41648
electronically, there exists a rebuttable presumption that the 41649
claim was received by the third-party payer twenty-four hours 41650
after the claim was submitted, unless it can be proven otherwise. 41651

(D) Nothing in this section requires a third-party payer to 41652
provide more than one notice to an employer whose premium for 41653
coverage of employees under a benefits contract has not been 41654
received by the third-party payer. 41655

(E) Compliance with the provisions of division (B)(3) of this 41656
section shall be determined separately from compliance with the 41657
provisions of divisions (B)(1) and (2) of this section. 41658

(F) A third-party payer shall transmit electronically any 41659
payment with respect to claims that the third-party payer receives 41660
electronically and pays to a contracted provider under this 41661
section and under sections 3901.383, 3901.384, and 3901.386 of the 41662
Revised Code. A provider shall not refuse to accept a payment made 41663
under this section or sections 3901.383, 3901.384, and 3901.386 of 41664
the Revised Code on the basis that the payment was transmitted 41665
electronically. 41666

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 41667
the Revised Code do not apply to the following: 41668

(A) Policies offering coverage that is regulated under 41669
Chapters 3935. and 3937. of the Revised Code; 41670

(B) An employer's self-insurance plan and any of its 41671
administrators, as defined in section 3959.01 of the Revised Code, 41672
to the extent that federal law supersedes, preempts, prohibits, or 41673

otherwise precludes the application of any provisions of those sections to the plan and its administrators;

(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;

(D) A third-party payer for coverage provided under the medicaid program, ~~except that if a federal waiver applied for under section 5167.25 of the Revised Code is granted or the medicaid director determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;~~

(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.

Sec. 3901.95. A direct primary care agreement that meets all of the following shall not be considered insurance and nothing in Title XXXIX or Chapter 1739., 1751., or 1753. of the Revised Code shall apply to such an agreement:

(A) It is in writing.

(B) It is between a patient, or that patient's legal representative, and a health care provider and is related to services to be provided in exchange for the payment of a fee to be paid on a periodic basis.

(C) It allows either party to terminate the agreement as specified in the agreement.

(D) It requires termination to be accomplished through written notification. 41704
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(E) It permits termination to take effect immediately upon the other party's receipt of the notification or not more than sixty days after the other party's receipt of the notification. 41706
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(F) It does not impose a termination penalty or require payment of a termination fee. 41709
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(G) It describes the health care services to be provided under the agreement and the basis on which a periodic fee is to be paid in exchange for those services. 41711
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(H) It specifies the periodic fee required and any additional fees that may be charged. 41714
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(I) It authorizes the periodic fee and any additional fees to be paid by a third party. 41716
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(J) It prohibits the health services provider from charging or receiving any fee other than the fees prescribed in the agreement for those services prescribed in the agreement. 41718
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(K) It conspicuously and prominently states that the agreement is not health insurance, is not subject to the insurance laws of this state, and does not meet any individual health insurance mandate that may be required under federal law. 41721
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Sec. 3902.30. (A) As used in this section: 41725

(1) "Health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 41726
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(2) "Health care professional" means any of the following: 41729

(a) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 41730
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(b) A physician assistant licensed under Chapter 4731. of the Revised Code; 41733
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(c) An advanced practice registered nurse as defined in section 4723.01 of the Revised Code. 41735
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(3) "In-person health care services" means health care services delivered by a health care professional through the use of any communication method where the professional and patient are simultaneously present in the same geographic location. 41737
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(4) "Recipient" means a patient receiving health care services or a health care professional with whom the provider of health care services is consulting regarding the patient. 41741
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(5) "Telemedicine services" means a mode of providing health care services through synchronous or asynchronous information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where the recipient is located. 41744
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(B)(1) A health benefit plan shall provide coverage for telemedicine services on the same basis and to the same extent that the plan provides coverage for the provision of in-person health care services. 41749
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(2) A health benefit plan shall not exclude coverage for a service solely because it is provided as a telemedicine service. 41753
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(C) A health benefit plan shall not impose any annual or lifetime benefit maximum in relation to telemedicine services other than such a benefit maximum imposed on all benefits offered under the plan. 41755
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(D) This section shall not be construed as prohibiting a health benefit plan from assessing cost-sharing requirements to a covered individual for telemedicine services, provided that such cost-sharing requirements for telemedicine services are not 41759
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greater than those for comparable in-person health care services. 41763

(E) This section shall not be construed as requiring a health plan issuer to reimburse a physician for any costs or fees associated with the provision of telemedicine services that would be in addition to or greater than the standard reimbursement for comparable in-person health care services. 41764
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(F) This section applies to all health benefit plans issued, offered, or renewed on or after January 1, 2020. 41769
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Sec. 3923.87. Each sickness and accident insurer or public employee benefit plan shall comply with the requirements of section 3959.20 of the Revised Code as they pertain to health plan issuers. 41771
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As used in this section, "health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 41775
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Sec. 3953.231. (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code. 41777
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(2) The account shall be established and maintained in any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state. 41782
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(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts. 41786
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(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of 41790
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insurance the name, account number, and location of the bank, 41792
savings and loan association, credit union, or savings bank in 41793
which the trust account is maintained. 41794

(B) Each title insurance agent or company shall deposit all 41795
non-directed escrow funds that are nominal in amount or are to be 41796
held for a short period of time into the account established under 41797
division (A) of this section no later than the next business day 41798
after receipt. 41799

(C) Each account established under division (A) of this 41800
section shall comply with all of the following: 41801

(1) All funds in the account shall be subject to withdrawal 41802
or transfer upon request and without delay, or as soon as 41803
permitted by law; 41804

(2) The rate of interest payable on the account shall not be 41805
less than the rate paid by the bank, savings and loan, credit 41806
union, or savings bank to its regular depositors. The rate may be 41807
higher if there is no impairment of the right to the immediate 41808
withdrawal or transfer of the principal; 41809

(3) All interest earned on the account, net of service 41810
charges and other related charges, shall be transmitted to the 41811
treasurer of state for deposit in the legal aid fund established 41812
under section 120.52 of the Revised Code. No part of the interest 41813
earned shall be paid to the title insurance agent or company. 41814

(D) The title insurance agent or company establishing an 41815
account under division (A) of this section shall direct the bank, 41816
savings and loan association, credit union, or savings bank to do 41817
both of the following: 41818

(1) Remit interest or dividends on the average monthly 41819
balance in the account, or as otherwise computed in accordance 41820
with the standard accounting practice of the bank, savings and 41821
loan association, credit union, or savings bank, less reasonable 41822

service charges and other related charges, to the treasurer of 41823
state at least quarterly for deposit in the legal aid fund 41824
established under section 120.52 of the Revised Code; 41825

(2) At the time of each remittance, transmit to the treasurer 41826
of state, and if requested, to the Ohio ~~legal assistance~~ access to 41827
justice foundation, and the title insurance agent or company, a 41828
statement showing the name of the title insurance agent or company 41829
for whom the remittance is sent, the rate of interest applied, the 41830
accounting period, the net amount remitted to the treasurer of 41831
state for each account, the total remitted, the average account 41832
balance for each month of the period for which the report is made, 41833
and the amount deducted for service charges and other related 41834
charges. 41835

(E) The statements and reports submitted by the bank, savings 41836
and loan association, credit union, or savings bank under this 41837
section, are not public records subject to section 149.43 of the 41838
Revised Code and shall be used only to administer the legal aid 41839
fund. 41840

(F) No funds belonging to a title insurance agent or company 41841
shall be deposited into an account established under division (A) 41842
of this section except funds necessary to pay service charges and 41843
other related charges of the bank, savings and loan association, 41844
credit union, or savings bank that are in excess of earnings on 41845
the account. 41846

(G) No liability arising out of any negligent act or omission 41847
of any title insurance agent or company with respect to any 41848
account established under division (A) of this section shall be 41849
imputed to the bank, savings and loan association, credit union, 41850
or savings bank. 41851

(H) No liability or responsibility arising out of any 41852
negligent act or omission of any title insurance agent with 41853

respect to any account established under division (A) of this 41854
section shall be imputed to a title insurance company. 41855

(I) The superintendent may adopt, in accordance with Chapter 41856
119. of the Revised Code, rules that pertain to the use of 41857
accounts established under division (A) of this section and to the 41858
enforcement of this section. 41859

Sec. 3959.12. (A) Any license issued under sections 3959.01 41860
to 3959.16 of the Revised Code may be suspended for a period not 41861
to exceed two years, revoked, or not renewed by the superintendent 41862
of insurance after notice to the licensee and hearing in 41863
accordance with Chapter 119. of the Revised Code. The 41864
superintendent may suspend, revoke, or refuse to renew a license 41865
if upon investigation and proof the superintendent finds that the 41866
licensee has done any of the following: 41867

(1) Knowingly violated any provision of sections 3959.01 to 41868
3959.16 or 3959.20 of the Revised Code or any rule promulgated by 41869
the superintendent; 41870

(2) Knowingly made a material misstatement in the application 41871
for the license; 41872

(3) Obtained or attempted to obtain a license through 41873
misrepresentation or fraud; 41874

(4) Misappropriated or converted to the licensee's own use or 41875
improperly withheld insurance company premiums or contributions 41876
held in a fiduciary capacity, excluding, however, any interest 41877
earnings received by the administrator as disclosed in writing by 41878
the administrator to the plan sponsor; 41879

(5) In the transaction of business under the license, used 41880
fraudulent, coercive, or dishonest practices; 41881

(6) Failed to appear without reasonable cause or excuse in 41882
response to a subpoena, examination, warrant, or other order 41883

lawfully issued by the superintendent;	41884
(7) Is affiliated with or under the same general management	41885
or interlocking directorate or ownership of another administrator	41886
that transacts business in this state and is not licensed under	41887
sections 3959.01 to 3959.16 of the Revised Code;	41888
(8) Had a license suspended, revoked, or not renewed in any	41889
other state, district, territory, or province on grounds identical	41890
to those stated in sections 3959.01 to 3959.16 of the Revised	41891
Code;	41892
(9) Been convicted of a financially related felony;	41893
(10) Failed to report a felony conviction as required under	41894
section 3959.13 of the Revised Code.	41895
(B) Upon receipt of notice of the order of suspension in	41896
accordance with section 119.07 of the Revised Code, the licensee	41897
shall promptly deliver the license to the superintendent, unless	41898
the order of suspension is appealed under section 119.12 of the	41899
Revised Code.	41900
(C) Any person whose license is revoked or whose application	41901
is denied pursuant to sections 3959.01 to 3959.16 of the Revised	41902
Code is ineligible to apply for an administrators license for two	41903
years.	41904
(D) The superintendent may impose a monetary fine against a	41905
licensee if, upon investigation and after notice and opportunity	41906
for hearing in accordance with Chapter 119. of the Revised Code,	41907
the superintendent finds that the licensee has done either of the	41908
following:	41909
(1) Committed fraud or engaged in any illegal or dishonest	41910
activity in connection with the administration of pharmacy benefit	41911
management services;	41912
(2) Violated any provision of section 3959.111 of the Revised	41913

Code or any rule adopted by the superintendent pursuant to or to
implement that section. 41914
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Sec. 3959.20. (A) As used in this section: 41916

(1) "Cost-sharing" means the cost to an individual insured 41917
under a health benefit plan according to any coverage limit, 41918
copayment, coinsurance, deductible, or other out-of-pocket expense 41919
requirements imposed by the plan. 41920

(2) "Health benefit plan" and "health plan issuer" have the 41921
same meanings as in section 3922.01 of the Revised Code. 41922

(3) "Pharmacy audit" has the same meaning as in section 41923
3901.81 of the Revised Code. 41924

(4) "Pharmacy benefit manager" and "administrator" have the 41925
same meanings as in section 3959.01 of the Revised Code. 41926

(B) No health plan issuer, pharmacy benefit manager, or any 41927
other administrator shall require cost-sharing in an amount, or 41928
direct a pharmacy to collect cost-sharing in an amount, greater 41929
than the lesser of either of the following from an individual 41930
purchasing a prescription drug: 41931

(1) The amount an individual would pay for the drug if the 41932
drug were to be purchased without coverage under a health benefit 41933
plan; 41934

(2) The net reimbursement paid to the pharmacy for the 41935
prescription drug by the health plan issuer, pharmacy benefit 41936
manager, or administrator. 41937

(C)(1) No health plan issuer, pharmacy benefit manager, or 41938
administrator shall retroactively adjust a pharmacy claim for 41939
reimbursement for a prescription drug unless the adjustment is the 41940
result of either of the following: 41941

(a) A pharmacy audit conducted in accordance with sections 41942

<u>3901.811 to 3901.814 of the Revised Code;</u>	41943
<u>(b) A technical billing error.</u>	41944
<u>(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the amount of the fee can be determined at the time of claim adjudication.</u>	41945 41946 41947 41948
<u>(D) The department of insurance shall create a web form that consumers can use to submit complaints relating to violations of this section.</u>	41949 41950 41951
Sec. 4109.05. (A) The director of commerce, after consultation with the director of health, shall adopt rules, in accordance with Chapter 119. of the Revised Code, prohibiting the employment of minors in occupations which are hazardous or detrimental to the health and well-being of minors.	41952 41953 41954 41955 41956
In adopting the rules, the director of commerce shall consider the orders issued pursuant to the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended.	41957 41958 41959
<u>The director of commerce shall not adopt any rule that prohibits a minor who is sixteen or seventeen years of age and who is employed by an employer under the construction and manufacturing mentorship program created in section 4109.22 of the Revised Code from being employed in a construction occupation or manufacturing occupation if the orders issued pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit the employment of the minor in the construction occupation or manufacturing occupation. As used in this division, "construction occupation" and "manufacturing occupation" have the same meanings as in section 4109.22 of the Revised Code.</u>	41960 41961 41962 41963 41964 41965 41966 41967 41968 41969 41970
(B) No minor may be employed in any occupation found hazardous or detrimental to the health and well-being of minors	41971 41972

under the rules adopted pursuant to division (A) of this section. 41973

Sec. 4109.22. (A) As used in this section: 41974

(1) "Construction occupation" means employment that consists 41975
of the construction, reconstruction, enlargement, alteration, 41976
repair, remodeling, renovation, demolition, or painting of a 41977
building or other structure, including preparation of a site for 41978
new construction. 41979

(2) "Manufacturing occupation" means employment that consists 41980
of the mechanical, physical, or chemical transformation of 41981
materials, substances, or components into new products for sale, 41982
including the assembling of component parts into a finished 41983
product. 41984

(3) Notwithstanding the definition of "employer" in section 41985
4109.01 of the Revised Code, "employer" means every person who 41986
employs any individual in a construction occupation or 41987
manufacturing occupation. 41988

(B) There is hereby created the construction and 41989
manufacturing mentorship program to expose minors who are sixteen 41990
or seventeen years of age to construction occupations and 41991
manufacturing occupations in this state through temporary 41992
employment with an employer. An employer employing a minor under 41993
the mentorship program shall do all of the following: 41994

(1) Determine the duration of the minor's employment; 41995

(2) Assign the minor a mentor to provide direct and close 41996
supervision while the minor is engaged in any workplace activity; 41997

(3) Provide the minor with the training described in division 41998
(C) of this section; 41999

(4) Encourage the minor to participate in a career-technical 42000
education program approved by the department of education after 42001
the minor's employment ends, if the minor is not participating in 42002

a career-technical education program when the minor begins employment; 42003
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(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors. 42005
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(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a construction occupation or manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following: 42007
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(a) A ten-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor; 42012
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(b) Instructions on how to operate the specific tools the minor will use during the minor's employment; 42016
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(c) The general safety and health hazards to which the minor may be exposed at the minor's workplace; 42018
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(d) The value of safety and management commitment; 42020

(e) Information on the employer's drug testing policy. 42021

(2) For purposes of division (C)(1)(a) of this section, a minor may participate in a thirty-hour course in construction or general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration if the minor has already successfully completed a ten-hour course. 42022
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(3) The employer shall pay any costs associated with providing the training required by division (C)(1) or permitted under division (C)(2) of this section. 42028
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(4) An employer is not required to provide the training described in division (C)(1) or (2) of this section if the minor 42031
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presents proof of completing the training during the six-month 42033
period immediately before beginning employment with the employer. 42034

(D) The director of commerce, in consultation with employers, 42035
shall adopt rules in accordance with Chapter 119. of the Revised 42036
Code specifying a list of the tools that a minor who is sixteen or 42037
seventeen years of age who is employed under the mentorship 42038
program may operate during the minor's employment in a 42039
construction occupation or manufacturing occupation. The director 42040
shall use the manual issued by the wage and hour division of the 42041
United States department of labor titled "field operations 42042
handbook" or its successor for guidance in developing the list. 42043
Nothing in this division requires the director to include a tool 42044
on the list if the orders issued pursuant to the "Fair Labor 42045
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 42046
4109.05 of the Revised Code or rules adopted under that section 42047
specifically permit minors of that age to operate the tool. 42048

(E) A minor who is sixteen or seventeen years of age who is 42049
employed by an employer under the mentorship program may work in 42050
any construction occupation or manufacturing occupation not denied 42051
by law to minors of that age under section 4109.05 of the Revised 42052
Code or rules adopted under that section. 42053

(F) No employer shall do either of the following: 42054

(1) Permit a minor who is sixteen or seventeen years of age 42055
to operate a tool minors of that age are permitted to operate 42056
pursuant to the rules adopted under division (D) of this section 42057
unless the minor is employed by the employer under the mentorship 42058
program; 42059

(2) Permit a minor who is sixteen or seventeen years of age 42060
who is employed by the employer under the mentorship program to 42061
operate a tool prohibited for use by minors of that age pursuant 42062
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 42063

and section 4109.05 of the Revised Code or rules adopted under 42064
that section. 42065

Sec. 4109.99. (A) Whoever violates section 4109.04, division 42066
(C) of section 4109.07, division (A), (B), or (D) of section 42067
4109.08, section 4109.11, or division (B) of section 4109.12 of 42068
the Revised Code is guilty of a minor misdemeanor. 42069

(B) Whoever violates section 4109.05 of the Revised Code is 42070
guilty of a misdemeanor of the third degree. 42071

(C) Whoever violates section 4109.03, division (A), (B), or 42072
(D) of section 4109.07, or section 4109.10 of the Revised Code is 42073
guilty of a minor misdemeanor on a first offense and a misdemeanor 42074
of the third degree on each subsequent offense. 42075

(D) Whoever violates division (A) of section 4109.12 of the 42076
Revised Code is guilty of a minor misdemeanor for each day the 42077
violation continues. 42078

(E) Whoever violates division (A) of section 4109.21 of the 42079
Revised Code is guilty of a misdemeanor of the fourth degree on a 42080
first offense and a first degree misdemeanor on each subsequent 42081
offense. If, however, the violation on a first offense contains 42082
aggravating circumstances, including, but not limited to, threats 42083
to a minor, reckless operation of a motor vehicle, or abandonment 42084
of or endangerment to a minor but not including circumstances that 42085
are the basis of a felony violation of section 2919.22 of the 42086
Revised Code, then the person is guilty of a misdemeanor of the 42087
first degree. If the offender previously has been convicted under 42088
this section and if the subsequent offense contains aggravating 42089
circumstances other than circumstances that are the basis of a 42090
felony violation of section 2919.22 of the Revised Code, then the 42091
person is guilty of a felony of the fourth degree. 42092

(F) Whoever violates division (F) of section 4109.22 of the 42093

Revised Code shall be assessed a civil penalty of up to one 42094
thousand seven hundred thirty dollars for each violation. 42095

Sec. 4111.03. (A) An employer shall pay an employee for 42096
overtime at a wage rate of one and one-half times the employee's 42097
wage rate for hours worked in excess of forty hours in one 42098
workweek, in the manner and methods provided in and subject to the 42099
exemptions of section 7 and section 13 of the "Fair Labor 42100
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 42101
amended. 42102

Any employee employed in agriculture shall not be covered by 42103
the overtime provision of this section. 42104

A motor carrier may elect to apply the overtime provision of 42105
this section to an individual who is excluded from the provision 42106
under division (D)(3)(i) of this section. 42107

(B) If a county employee or township employee elects to take 42108
compensatory time off in lieu of overtime pay, for any overtime 42109
worked, compensatory time may be granted by the employee's 42110
administrative superior, on a time and one-half basis, at a time 42111
mutually convenient to the employee and the administrative 42112
superior within one hundred eighty days after the overtime is 42113
worked. 42114

(C) A township appointing authority or a county appointing 42115
authority with the exception of the county department of job and 42116
family services may, by rule or resolution as is appropriate, 42117
indicate the authority's intention not to be bound by division (B) 42118
of this section, and to adopt a different policy for the 42119
calculation and payment of overtime than that established by that 42120
division. Upon adoption, the alternative overtime policy prevails. 42121
Prior to the adoption of an alternative overtime policy, a 42122
township appointing authority or a county appointing authority 42123
with the exception of the county department of job and family 42124

services shall give a written notice of the alternative policy to 42125
each employee at least ten days prior to its effective date. 42126

(D) As used in this section: 42127

(1) "Employ" means to suffer or to permit to work. 42128

(2) "Employer" means the state of Ohio, its 42129
instrumentalities, and its political subdivisions and their 42130
instrumentalities, any individual, partnership, association, 42131
corporation, business trust, or any person or group of persons, 42132
acting in the interest of an employer in relation to an employee, 42133
but does not include either of the following: 42134

(a) An employer whose annual gross volume of sales made for 42135
business done is less than one hundred fifty thousand dollars, 42136
exclusive of excise taxes at the retail level which are separately 42137
stated; 42138

(b) A franchisor with respect to the franchisor's 42139
relationship with a franchisee or an employee of a franchisee, 42140
unless the franchisor agrees to assume that role in writing or a 42141
court of competent jurisdiction determines that the franchisor 42142
exercises a type or degree of control over the franchisee or the 42143
franchisee's employees that is not customarily exercised by a 42144
franchisor for the purpose of protecting the franchisor's 42145
trademark, brand, or both. For purposes of this division, 42146
"franchisor" and "franchisee" have the same meanings as in 16 42147
C.F.R. 436.1. 42148

(3) "Employee" means any individual employed by an employer 42149
but does not include: 42150

(a) Any individual employed by the United States; 42151

(b) Any individual employed as a baby-sitter in the 42152
employer's home, or a live-in companion to a sick, convalescing, 42153
or elderly person whose principal duties do not include 42154

housekeeping;	42155
(c) Any individual engaged in the delivery of newspapers to the consumer;	42156 42157
(d) Any individual employed as an outside salesperson compensated by commissions or employed in a bona fide executive, administrative, or professional capacity as such terms are defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended;	42158 42159 42160 42161 42162
(e) Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;	42163 42164 42165
(f) A member of a police or fire protection agency or student employed on a part-time or seasonal basis by a political subdivision of this state;	42166 42167 42168
(g) Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a nonprofit organization or group of organizations described in Section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under Section 501(a) of that code;	42169 42170 42171 42172 42173 42174
(h) Any individual employed directly by the house of representatives or directly by the senate;	42175 42176
(i) An individual who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property and to whom all of the following factors apply:	42177 42178 42179 42180
(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For	42181 42182 42183 42184

purposes of this division, a bona fide lease agreement does not 42185
include an agreement between the individual and the motor carrier 42186
transporting property for which, or on whose behalf, the 42187
individual provides services. 42188

(ii) The individual is responsible for supplying the 42189
necessary personal services to operate the vehicle or vessel used 42190
to provide the service. 42191

(iii) The compensation paid to the individual is based on 42192
factors related to work performed, including on a mileage-based 42193
rate or a percentage of any schedule of rates, and not solely on 42194
the basis of the hours or time expended. 42195

(iv) The individual substantially controls the means and 42196
manner of performing the services, in conformance with regulatory 42197
requirements and specifications of the shipper. 42198

(v) The individual enters into a written contract with the 42199
carrier for whom the individual is performing the services that 42200
describes the relationship between the individual and the carrier 42201
to be that of an independent contractor and not that of an 42202
employee. 42203

(vi) The individual is responsible for substantially all of 42204
the principal operating costs of the vehicle or vessel and 42205
equipment used to provide the services, including maintenance, 42206
fuel, repairs, supplies, vehicle or vessel insurance, and personal 42207
expenses, except that the individual may be paid by the carrier 42208
the carrier's fuel surcharge and incidental costs, including 42209
tolls, permits, and lumper fees. 42210

(vii) The individual is responsible for any economic loss or 42211
economic gain from the arrangement with the carrier. 42212

(4) "Motor carrier" has the same meaning as in section 42213
4923.01 of the Revised Code. 42214

Sec. 4141.01. As used in this chapter, unless the context otherwise requires:

(A)(1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person who subsequent to December 31, 1971, or in the case of political subdivisions or their instrumentalities, subsequent to December 31, 1973:

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A)(1)(a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A)(4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B)(2)(a) and (B)(2)(1) of this section, at least one individual;

(g) For the purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter.

(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.

(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written

election to become an employer subject to this chapter for not 42308
less than two calendar years shall, with the written approval of 42309
such election by the director, become an employer subject to this 42310
chapter to the same extent as all other employers as of the date 42311
stated in such approval, and shall cease to be subject to this 42312
chapter as of the first day of January of any calendar year 42313
subsequent to such two calendar years only if at least thirty days 42314
prior to such first day of January the employer has filed with the 42315
director a written notice to that effect. 42316

(5) Any employer for whom services that do not constitute 42317
employment are performed may file with the director a written 42318
election that all such services performed by individuals in the 42319
employer's employ in one or more distinct establishments or places 42320
of business shall be deemed to constitute employment for all the 42321
purposes of this chapter, for not less than two calendar years. 42322
Upon written approval of the election by the director, such 42323
services shall be deemed to constitute employment subject to this 42324
chapter from and after the date stated in such approval. Such 42325
services shall cease to be employment subject to this chapter as 42326
of the first day of January of any calendar year subsequent to 42327
such two calendar years only if at least thirty days prior to such 42328
first day of January such employer has filed with the director a 42329
written notice to that effect. 42330

(6) "Employer" does not include a franchisor with respect to 42331
the franchisor's relationship with a franchisee or an employee of 42332
a franchisee, unless the franchisor agrees to assume that role in 42333
writing or a court of competent jurisdiction determines that the 42334
franchisor exercises a type or degree of control over the 42335
franchisee or the franchisee's employees that is not customarily 42336
exercised by a franchisor for the purpose of protecting the 42337
franchisor's trademark, brand, or both. For purposes of this 42338
division, "franchisor" and "franchisee" have the same meanings as 42339

in 16 C.F.R. 436.1. 42340

(B)(1) "Employment" means service performed by an individual 42341
for remuneration under any contract of hire, written or oral, 42342
express or implied, including service performed in interstate 42343
commerce and service performed by an officer of a corporation, 42344
without regard to whether such service is executive, managerial, 42345
or manual in nature, and without regard to whether such officer is 42346
a stockholder or a member of the board of directors of the 42347
corporation, unless it is shown to the satisfaction of the 42348
director that such individual has been and will continue to be 42349
free from direction or control over the performance of such 42350
service, both under a contract of service and in fact. The 42351
director shall adopt rules to define "direction or control." 42352

(2) "Employment" includes: 42353

(a) Service performed after December 31, 1977, by an 42354
individual in the employ of the state or any of its 42355
instrumentalities, or any political subdivision thereof or any of 42356
its instrumentalities or any instrumentality of more than one of 42357
the foregoing or any instrumentality of any of the foregoing and 42358
one or more other states or political subdivisions and without 42359
regard to divisions (A)(1)(a) and (b) of this section, provided 42360
that such service is excluded from employment as defined in the 42361
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 42362
3306(c)(7) and is not excluded under division (B)(3) of this 42363
section; or the services of employees covered by voluntary 42364
election, as provided under divisions (A)(4) and (5) of this 42365
section; 42366

(b) Service performed after December 31, 1971, by an 42367
individual in the employ of a religious, charitable, educational, 42368
or other organization which is excluded from the term "employment" 42369
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 42370
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 42371

3306(c)(8) of that act and is not excluded under division (B)(3) 42372
of this section; 42373

(c) Domestic service performed after December 31, 1977, for 42374
an employer, as provided in division (A)(1)(c) of this section; 42375

(d) Agricultural labor performed after December 31, 1977, for 42376
a farm operator or a crew leader, as provided in division 42377
(A)(1)(d) of this section; 42378

(e) Subject to division (B)(2)(m) of this section, service 42379
not covered under division (B)(1) of this section which is 42380
performed after December 31, 1971: 42381

(i) As an agent-driver or commission-driver engaged in 42382
distributing meat products, vegetable products, fruit products, 42383
bakery products, beverages other than milk, laundry, or 42384
dry-cleaning services, for the individual's employer or principal; 42385

(ii) As a traveling or city salesperson, other than as an 42386
agent-driver or commission-driver, engaged on a full-time basis in 42387
the solicitation on behalf of and in the transmission to the 42388
salesperson's employer or principal except for sideline sales 42389
activities on behalf of some other person of orders from 42390
wholesalers, retailers, contractors, or operators of hotels, 42391
restaurants, or other similar establishments for merchandise for 42392
resale, or supplies for use in their business operations, provided 42393
that for the purposes of division (B)(2)(e)(ii) of this section, 42394
the services shall be deemed employment if the contract of service 42395
contemplates that substantially all of the services are to be 42396
performed personally by the individual and that the individual 42397
does not have a substantial investment in facilities used in 42398
connection with the performance of the services other than in 42399
facilities for transportation, and the services are not in the 42400
nature of a single transaction that is not a part of a continuing 42401
relationship with the person for whom the services are performed. 42402

(f) An individual's entire service performed within or both 42403
within and without the state if: 42404

(i) The service is localized in this state. 42405

(ii) The service is not localized in any state, but some of 42406
the service is performed in this state and either the base of 42407
operations, or if there is no base of operations then the place 42408
from which such service is directed or controlled, is in this 42409
state or the base of operations or place from which such service 42410
is directed or controlled is not in any state in which some part 42411
of the service is performed but the individual's residence is in 42412
this state. 42413

(g) Service not covered under division (B)(2)(f)(ii) of this 42414
section and performed entirely without this state, with respect to 42415
no part of which contributions are required and paid under an 42416
unemployment compensation law of any other state, the Virgin 42417
Islands, Canada, or of the United States, if the individual 42418
performing such service is a resident of this state and the 42419
director approves the election of the employer for whom such 42420
services are performed; or, if the individual is not a resident of 42421
this state but the place from which the service is directed or 42422
controlled is in this state, the entire services of such 42423
individual shall be deemed to be employment subject to this 42424
chapter, provided service is deemed to be localized within this 42425
state if the service is performed entirely within this state or if 42426
the service is performed both within and without this state but 42427
the service performed without this state is incidental to the 42428
individual's service within the state, for example, is temporary 42429
or transitory in nature or consists of isolated transactions; 42430

(h) Service of an individual who is a citizen of the United 42431
States, performed outside the United States except in Canada after 42432
December 31, 1971, or the Virgin Islands, after December 31, 1971, 42433
and before the first day of January of the year following that in 42434

which the United States secretary of labor approves the Virgin 42435
Islands law for the first time, in the employ of an American 42436
employer, other than service which is "employment" under divisions 42437
(B)(2)(f) and (g) of this section or similar provisions of another 42438
state's law, if: 42439

(i) The employer's principal place of business in the United 42440
States is located in this state; 42441

(ii) The employer has no place of business in the United 42442
States, but the employer is an individual who is a resident of 42443
this state; or the employer is a corporation which is organized 42444
under the laws of this state, or the employer is a partnership or 42445
a trust and the number of partners or trustees who are residents 42446
of this state is greater than the number who are residents of any 42447
other state; or 42448

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 42449
of this section is met but the employer has elected coverage in 42450
this state or the employer having failed to elect coverage in any 42451
state, the individual has filed a claim for benefits, based on 42452
such service, under this chapter. 42453

(i) For the purposes of division (B)(2)(h) of this section, 42454
the term "American employer" means an employer who is an 42455
individual who is a resident of the United States; or a 42456
partnership, if two-thirds or more of the partners are residents 42457
of the United States; or a trust, if all of the trustees are 42458
residents of the United States; or a corporation organized under 42459
the laws of the United States or of any state, provided the term 42460
"United States" includes the states, the District of Columbia, the 42461
Commonwealth of Puerto Rico, and the Virgin Islands. 42462

(j) Notwithstanding any other provisions of divisions (B)(1) 42463
and (2) of this section, service, except for domestic service in a 42464
private home not covered under division (A)(1)(c) of this section, 42465

with respect to which a tax is required to be paid under any 42466
federal law imposing a tax against which credit may be taken for 42467
contributions required to be paid into a state unemployment fund, 42468
or service, except for domestic service in a private home not 42469
covered under division (A)(1)(c) of this section, which, as a 42470
condition for full tax credit against the tax imposed by the 42471
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 42472
3311, is required to be covered under this chapter. 42473

(k) Construction services performed by any individual under a 42474
construction contract, as defined in section 4141.39 of the 42475
Revised Code, if the director determines that the employer for 42476
whom services are performed has the right to direct or control the 42477
performance of the services and that the individuals who perform 42478
the services receive remuneration for the services performed. The 42479
director shall presume that the employer for whom services are 42480
performed has the right to direct or control the performance of 42481
the services if ten or more of the following criteria apply: 42482

(i) The employer directs or controls the manner or method by 42483
which instructions are given to the individual performing 42484
services; 42485

(ii) The employer requires particular training for the 42486
individual performing services; 42487

(iii) Services performed by the individual are integrated 42488
into the regular functioning of the employer; 42489

(iv) The employer requires that services be provided by a 42490
particular individual; 42491

(v) The employer hires, supervises, or pays the wages of the 42492
individual performing services; 42493

(vi) A continuing relationship between the employer and the 42494
individual performing services exists which contemplates 42495
continuing or recurring work, even if not full-time work; 42496

(vii) The employer requires the individual to perform services during established hours;	42497 42498
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	42499 42500 42501
(ix) The employer requires the individual to perform services on the employer's premises;	42502 42503
(x) The employer requires the individual performing services to follow the order of work established by the employer;	42504 42505
(xi) The employer requires the individual performing services to make oral or written reports of progress;	42506 42507
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	42508 42509
(xiii) The employer pays expenses for the individual performing services;	42510 42511
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	42512 42513
(xv) The individual performing services has not invested in the facilities used to perform services;	42514 42515
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	42516 42517 42518
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	42519 42520
(xviii) The individual performing services does not make the services available to the general public;	42521 42522
(xix) The employer has a right to discharge the individual performing services;	42523 42524
(xx) The individual performing services has the right to end	42525

the individual's relationship with the employer without incurring 42526
liability pursuant to an employment contract or agreement. 42527

(l) Service performed by an individual in the employ of an 42528
Indian tribe as defined by section 4(e) of the "Indian 42529
Self-Determination and Education Assistance Act," 88 Stat. 2204 42530
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 42531
subsidiary, or business enterprise wholly owned by an Indian tribe 42532
provided that the service is excluded from employment as defined 42533
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 42534
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 42535
(B)(3) of this section. 42536

(m) Service performed by an individual for or on behalf of a 42537
motor carrier transporting property as an operator of a vehicle or 42538
vessel, unless all of the following factors apply to the 42539
individual and the motor carrier has not elected to consider the 42540
individual's service as employment: 42541

(i) The individual owns the vehicle or vessel that is used in 42542
performing the services for or on behalf of the carrier, or the 42543
individual leases the vehicle or vessel under a bona fide lease 42544
agreement that is not a temporary replacement lease agreement. For 42545
purposes of this division, a bona fide lease agreement does not 42546
include an agreement between the individual and the motor carrier 42547
transporting property for which, or on whose behalf, the 42548
individual provides services. 42549

(ii) The individual is responsible for supplying the 42550
necessary personal services to operate the vehicle or vessel used 42551
to provide the service. 42552

(iii) The compensation paid to the individual is based on 42553
factors related to work performed, including on a mileage-based 42554
rate or a percentage of any schedule of rates, and not solely on 42555
the basis of the hours or time expended. 42556

(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.

(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee.

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;

(c) Service performed after December 31, 1977, for this state	42588
or a political subdivision as described in division (B)(2)(a) of	42589
this section when performed:	42590
(i) As a publicly elected official;	42591
(ii) As a member of a legislative body, or a member of the	42592
judiciary;	42593
(iii) As a military member of the Ohio national guard;	42594
(iv) As an employee, not in the classified service as defined	42595
in section 124.11 of the Revised Code, serving on a temporary	42596
basis in case of fire, storm, snow, earthquake, flood, or similar	42597
emergency;	42598
(v) In a position which, under or pursuant to law, is	42599
designated as a major nontenured policymaking or advisory	42600
position, not in the classified service of the state, or a	42601
policymaking or advisory position the performance of the duties of	42602
which ordinarily does not require more than eight hours per week.	42603
(d) In the employ of any governmental unit or instrumentality	42604
of the United States;	42605
(e) Service performed after December 31, 1971:	42606
(i) Service in the employ of an educational institution or	42607
institution of higher education, including those operated by the	42608
state or a political subdivision, if such service is performed by	42609
a student who is enrolled and is regularly attending classes at	42610
the educational institution or institution of higher education; or	42611
(ii) By an individual who is enrolled at a nonprofit or	42612
public educational institution which normally maintains a regular	42613
faculty and curriculum and normally has a regularly organized body	42614
of students in attendance at the place where its educational	42615
activities are carried on as a student in a full-time program,	42616
taken for credit at the institution, which combines academic	42617

instruction with work experience, if the service is an integral 42618
part of the program, and the institution has so certified to the 42619
employer, provided that this subdivision shall not apply to 42620
service performed in a program established for or on behalf of an 42621
employer or group of employers. 42622

(f) Service performed by an individual in the employ of the 42623
individual's son, daughter, or spouse and service performed by a 42624
child under the age of eighteen in the employ of the child's 42625
father or mother; 42626

(g) Service performed for one or more principals by an 42627
individual who is compensated on a commission basis, who in the 42628
performance of the work is master of the individual's own time and 42629
efforts, and whose remuneration is wholly dependent on the amount 42630
of effort the individual chooses to expend, and which service is 42631
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 42632
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 42633
31, 1971: 42634

(i) By an individual for an employer as an insurance agent or 42635
as an insurance solicitor, if all this service is performed for 42636
remuneration solely by way of commission; 42637

(ii) As a home worker performing work, according to 42638
specifications furnished by the employer for whom the services are 42639
performed, on materials or goods furnished by such employer which 42640
are required to be returned to the employer or to a person 42641
designated for that purpose. 42642

(h) Service performed after December 31, 1971: 42643

(i) In the employ of a church or convention or association of 42644
churches, or in an organization which is operated primarily for 42645
religious purposes and which is operated, supervised, controlled, 42646
or principally supported by a church or convention or association 42647
of churches; 42648

(ii) By a duly ordained, commissioned, or licensed minister 42649
of a church in the exercise of the individual's ministry or by a 42650
member of a religious order in the exercise of duties required by 42651
such order; or 42652

(iii) In a facility conducted for the purpose of carrying out 42653
a program of rehabilitation for individuals whose earning capacity 42654
is impaired by age or physical or mental deficiency or injury, or 42655
providing remunerative work for individuals who because of their 42656
impaired physical or mental capacity cannot be readily absorbed in 42657
the competitive labor market, by an individual receiving such 42658
rehabilitation or remunerative work. 42659

(i) Service performed after June 30, 1939, with respect to 42660
which unemployment compensation is payable under the "Railroad 42661
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 42662

(j) Service performed by an individual in the employ of any 42663
organization exempt from income tax under section 501 of the 42664
"Internal Revenue Code of 1954," if the remuneration for such 42665
service does not exceed fifty dollars in any calendar quarter, or 42666
if such service is in connection with the collection of dues or 42667
premiums for a fraternal beneficial society, order, or association 42668
and is performed away from the home office or is ritualistic 42669
service in connection with any such society, order, or 42670
association; 42671

(k) Casual labor not in the course of an employer's trade or 42672
business; incidental service performed by an officer, appraiser, 42673
or member of a finance committee of a bank, building and loan 42674
association, savings and loan association, or savings association 42675
when the remuneration for such incidental service exclusive of the 42676
amount paid or allotted for directors' fees does not exceed sixty 42677
dollars per calendar quarter is casual labor; 42678

(l) Service performed in the employ of a voluntary employees' 42679

beneficial association providing for the payment of life, 42680
sickness, accident, or other benefits to the members of such 42681
association or their dependents or their designated beneficiaries, 42682
if admission to a membership in such association is limited to 42683
individuals who are officers or employees of a municipal or public 42684
corporation, of a political subdivision of the state, or of the 42685
United States and no part of the net earnings of such association 42686
inures, other than through such payments, to the benefit of any 42687
private shareholder or individual; 42688

(m) Service performed by an individual in the employ of a 42689
foreign government, including service as a consular or other 42690
officer or employee or of a nondiplomatic representative; 42691

(n) Service performed in the employ of an instrumentality 42692
wholly owned by a foreign government if the service is of a 42693
character similar to that performed in foreign countries by 42694
employees of the United States or of an instrumentality thereof 42695
and if the director finds that the secretary of state of the 42696
United States has certified to the secretary of the treasury of 42697
the United States that the foreign government, with respect to 42698
whose instrumentality exemption is claimed, grants an equivalent 42699
exemption with respect to similar service performed in the foreign 42700
country by employees of the United States and of instrumentalities 42701
thereof; 42702

(o) Service with respect to which unemployment compensation 42703
is payable under an unemployment compensation system established 42704
by an act of congress; 42705

(p) Service performed as a student nurse in the employ of a 42706
hospital or a nurses' training school by an individual who is 42707
enrolled and is regularly attending classes in a nurses' training 42708
school chartered or approved pursuant to state law, and service 42709
performed as an intern in the employ of a hospital by an 42710
individual who has completed a four years' course in a medical 42711

school chartered or approved pursuant to state law; 42712

(q) Service performed by an individual under the age of 42713
eighteen in the delivery or distribution of newspapers or shopping 42714
news, not including delivery or distribution to any point for 42715
subsequent delivery or distribution; 42716

(r) Service performed in the employ of the United States or 42717
an instrumentality of the United States immune under the 42718
Constitution of the United States from the contributions imposed 42719
by this chapter, except that to the extent that congress permits 42720
states to require any instrumentalities of the United States to 42721
make payments into an unemployment fund under a state unemployment 42722
compensation act, this chapter shall be applicable to such 42723
instrumentalities and to services performed for such 42724
instrumentalities in the same manner, to the same extent, and on 42725
the same terms as to all other employers, individuals, and 42726
services, provided that if this state is not certified for any 42727
year by the proper agency of the United States under section 3304 42728
of the "Internal Revenue Code of 1954," the payments required of 42729
such instrumentalities with respect to such year shall be refunded 42730
by the director from the fund in the same manner and within the 42731
same period as is provided in division (E) of section 4141.09 of 42732
the Revised Code with respect to contributions erroneously 42733
collected; 42734

(s) Service performed by an individual as a member of a band 42735
or orchestra, provided such service does not represent the 42736
principal occupation of such individual, and which service is not 42737
subject to or required to be covered for full tax credit against 42738
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 42739
183 (1939), 26 U.S.C.A. 3301 to 3311. 42740

(t) Service performed in the employ of a day camp whose 42741
camping season does not exceed twelve weeks in any calendar year, 42742
and which service is not subject to the "Federal Unemployment Tax 42743

Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service	42744
performed after December 31, 1971:	42745
(i) In the employ of a hospital, if the service is performed	42746
by a patient of the hospital, as defined in division (W) of this	42747
section;	42748
(ii) For a prison or other correctional institution by an	42749
inmate of the prison or correctional institution;	42750
(iii) Service performed after December 31, 1977, by an inmate	42751
of a custodial institution operated by the state, a political	42752
subdivision, or a nonprofit organization.	42753
(u) Service that is performed by a nonresident alien	42754
individual for the period the individual temporarily is present in	42755
the United States as a nonimmigrant under division (F), (J), (M),	42756
or (Q) of section 101(a)(15) of the "Immigration and Nationality	42757
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded	42758
under section 3306(c)(19) of the "Federal Unemployment Tax Act,"	42759
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	42760
(v) Notwithstanding any other provisions of division (B)(3)	42761
of this section, services that are excluded under divisions	42762
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded	42763
from employment when performed for a nonprofit organization, as	42764
defined in division (X) of this section, or for this state or its	42765
instrumentalities, or for a political subdivision or its	42766
instrumentalities or for Indian tribes;	42767
(w) Service that is performed by an individual working as an	42768
election official or election worker if the amount of remuneration	42769
received by the individual during the calendar year for services	42770
as an election official or election worker is less than one	42771
thousand dollars;	42772
(x) Service performed for an elementary or secondary school	42773
that is operated primarily for religious purposes, that is	42774

described in subsection 501(c)(3) and exempt from federal income	42775
taxation under subsection 501(a) of the Internal Revenue Code, 26	42776
U.S.C.A. 501;	42777
(y) Service performed by a person committed to a penal	42778
institution.	42779
(z) Service performed for an Indian tribe as described in	42780
division (B)(2)(1) of this section when performed in any of the	42781
following manners:	42782
(i) As a publicly elected official;	42783
(ii) As a member of an Indian tribal council;	42784
(iii) As a member of a legislative or judiciary body;	42785
(iv) In a position which, pursuant to Indian tribal law, is	42786
designated as a major nontenured policymaking or advisory	42787
position, or a policymaking or advisory position where the	42788
performance of the duties ordinarily does not require more than	42789
eight hours of time per week;	42790
(v) As an employee serving on a temporary basis in the case	42791
of a fire, storm, snow, earthquake, flood, or similar emergency.	42792
(aa) Service performed after December 31, 1971, for a	42793
nonprofit organization, this state or its instrumentalities, a	42794
political subdivision or its instrumentalities, or an Indian tribe	42795
as part of an unemployment work-relief or work-training program	42796
assisted or financed in whole or in part by any federal agency or	42797
an agency of a state or political subdivision, thereof, by an	42798
individual receiving the work-relief or work-training.	42799
(bb) Participation in a learn to earn program as defined in	42800
section 4141.293 of the Revised Code.	42801
(4) If the services performed during one half or more of any	42802
pay period by an employee for the person employing that employee	42803
constitute employment, all the services of such employee for such	42804

period shall be deemed to be employment; but if the services 42805
performed during more than one half of any such pay period by an 42806
employee for the person employing that employee do not constitute 42807
employment, then none of the services of such employee for such 42808
period shall be deemed to be employment. As used in division 42809
(B)(4) of this section, "pay period" means a period, of not more 42810
than thirty-one consecutive days, for which payment of 42811
remuneration is ordinarily made to the employee by the person 42812
employing that employee. Division (B)(4) of this section does not 42813
apply to services performed in a pay period by an employee for the 42814
person employing that employee, if any of such service is excepted 42815
by division (B)(3)(o) of this section. 42816

(C) "Benefits" means money payments payable to an individual 42817
who has established benefit rights, as provided in this chapter, 42818
for loss of remuneration due to the individual's unemployment. 42819

(D) "Benefit rights" means the weekly benefit amount and the 42820
maximum benefit amount that may become payable to an individual 42821
within the individual's benefit year as determined by the 42822
director. 42823

(E) "Claim for benefits" means a claim for waiting period or 42824
benefits for a designated week. 42825

(F) "Additional claim" means the first claim for benefits 42826
filed following any separation from employment during a benefit 42827
year; "continued claim" means any claim other than the first claim 42828
for benefits and other than an additional claim. 42829

(G) "Wages" means remuneration paid to an employee by each of 42830
the employee's employers with respect to employment; except that 42831
wages shall not include that part of remuneration paid during any 42832
calendar year to an individual by an employer or such employer's 42833
predecessor in interest in the same business or enterprise, which 42834
in any calendar year is in excess of nine thousand dollars on and 42835

after January 1, 1995; nine thousand five hundred dollars on and 42836
after January 1, 2018; and nine thousand dollars on and after 42837
January 1, ~~2020~~ 2023. Remuneration in excess of such amounts shall 42838
be deemed wages subject to contribution to the same extent that 42839
such remuneration is defined as wages under the "Federal 42840
Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 42841
3311, as amended. The remuneration paid an employee by an employer 42842
with respect to employment in another state, upon which 42843
contributions were required and paid by such employer under the 42844
unemployment compensation act of such other state, shall be 42845
included as a part of remuneration in computing the amount 42846
specified in this division. 42847

(H)(1) "Remuneration" means all compensation for personal 42848
services, including commissions and bonuses and the cash value of 42849
all compensation in any medium other than cash, except that in the 42850
case of agricultural or domestic service, "remuneration" includes 42851
only cash remuneration. Gratuities customarily received by an 42852
individual in the course of the individual's employment from 42853
persons other than the individual's employer and which are 42854
accounted for by such individual to the individual's employer are 42855
taxable wages. 42856

The reasonable cash value of compensation paid in any medium 42857
other than cash shall be estimated and determined in accordance 42858
with rules prescribed by the director, provided that 42859
"remuneration" does not include: 42860

(a) Payments as provided in divisions (b)(2) to (b)(20) of 42861
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 42862
26 U.S.C.A. 3301 to 3311, as amended; 42863

(b) The payment by an employer, without deduction from the 42864
remuneration of the individual in the employer's employ, of the 42865
tax imposed upon an individual in the employer's employ under 42866
section 3101 of the "Internal Revenue Code of 1954," with respect 42867

to services performed after October 1, 1941. 42868

(2) "Cash remuneration" means all remuneration paid in cash, 42869
including commissions and bonuses, but not including the cash 42870
value of all compensation in any medium other than cash. 42871

(I) "Interested party" means the director and any party to 42872
whom notice of a determination of an application for benefit 42873
rights or a claim for benefits is required to be given under 42874
section 4141.28 of the Revised Code. 42875

(J) "Annual payroll" means the total amount of wages subject 42876
to contributions during a twelve-month period ending with the last 42877
day of the second calendar quarter of any calendar year. 42878

(K) "Average annual payroll" means the average of the last 42879
three annual payrolls of an employer, provided that if, as of any 42880
computation date, the employer has had less than three annual 42881
payrolls in such three-year period, such average shall be based on 42882
the annual payrolls which the employer has had as of such date. 42883

(L)(1) "Contributions" means the money payments to the state 42884
unemployment compensation fund required of employers by section 42885
4141.25 of the Revised Code and of the state and any of its 42886
political subdivisions electing to pay contributions under section 42887
4141.242 of the Revised Code. Employers paying contributions shall 42888
be described as "contributory employers." 42889

(2) "Payments in lieu of contributions" means the money 42890
payments to the state unemployment compensation fund required of 42891
reimbursing employers under sections 4141.241 and 4141.242 of the 42892
Revised Code. 42893

(M) An individual is "totally unemployed" in any week during 42894
which the individual performs no services and with respect to such 42895
week no remuneration is payable to the individual. 42896

(N) An individual is "partially unemployed" in any week if, 42897

due to involuntary loss of work, the total remuneration payable to 42898
the individual for such week is less than the individual's weekly 42899
benefit amount. 42900

(O) "Week" means the calendar week ending at midnight 42901
Saturday unless an equivalent week of seven consecutive calendar 42902
days is prescribed by the director. 42903

(1) "Qualifying week" means any calendar week in an 42904
individual's base period with respect to which the individual 42905
earns or is paid remuneration in employment subject to this 42906
chapter. A calendar week with respect to which an individual earns 42907
remuneration but for which payment was not made within the base 42908
period, when necessary to qualify for benefit rights, may be 42909
considered to be a qualifying week. The number of qualifying weeks 42910
which may be established in a calendar quarter shall not exceed 42911
the number of calendar weeks in the quarter. 42912

(2) "Average weekly wage" means the amount obtained by 42913
dividing an individual's total remuneration for all qualifying 42914
weeks during the base period by the number of such qualifying 42915
weeks, provided that if the computation results in an amount that 42916
is not a multiple of one dollar, such amount shall be rounded to 42917
the next lower multiple of one dollar. 42918

(P) "Weekly benefit amount" means the amount of benefits an 42919
individual would be entitled to receive for one week of total 42920
unemployment. 42921

(Q)(1) "Base period" means the first four of the last five 42922
completed calendar quarters immediately preceding the first day of 42923
an individual's benefit year, except as provided in division 42924
(Q)(2) of this section. 42925

(2) If an individual does not have sufficient qualifying 42926
weeks and wages in the base period to qualify for benefit rights, 42927
the individual's base period shall be the four most recently 42928

completed calendar quarters preceding the first day of the 42929
individual's benefit year. Such base period shall be known as the 42930
"alternate base period." If information as to weeks and wages for 42931
the most recent quarter of the alternate base period is not 42932
available to the director from the regular quarterly reports of 42933
wage information, which are systematically accessible, the 42934
director may, consistent with the provisions of section 4141.28 of 42935
the Revised Code, base the determination of eligibility for 42936
benefits on the affidavit of the claimant with respect to weeks 42937
and wages for that calendar quarter. The claimant shall furnish 42938
payroll documentation, where available, in support of the 42939
affidavit. The determination based upon the alternate base period 42940
as it relates to the claimant's benefit rights, shall be amended 42941
when the quarterly report of wage information from the employer is 42942
timely received and that information causes a change in the 42943
determination. As provided in division (B) of section 4141.28 of 42944
the Revised Code, any benefits paid and charged to an employer's 42945
account, based upon a claimant's affidavit, shall be adjusted 42946
effective as of the beginning of the claimant's benefit year. No 42947
calendar quarter in a base period or alternate base period shall 42948
be used to establish a subsequent benefit year. 42949

(3) The "base period" of a combined wage claim, as described 42950
in division (H) of section 4141.43 of the Revised Code, shall be 42951
the base period prescribed by the law of the state in which the 42952
claim is allowed. 42953

(4) For purposes of determining the weeks that comprise a 42954
completed calendar quarter under this division, only those weeks 42955
ending at midnight Saturday within the calendar quarter shall be 42956
utilized. 42957

(R)(1) "Benefit year" with respect to an individual means the 42958
fifty-two week period beginning with the first day of that week 42959
with respect to which the individual first files a valid 42960

application for determination of benefit rights, and thereafter 42961
the fifty-two week period beginning with the first day of that 42962
week with respect to which the individual next files a valid 42963
application for determination of benefit rights after the 42964
termination of the individual's last preceding benefit year, 42965
except that the application shall not be considered valid unless 42966
the individual has had employment in six weeks that is subject to 42967
this chapter or the unemployment compensation act of another 42968
state, or the United States, and has, since the beginning of the 42969
individual's previous benefit year, in the employment earned three 42970
times the average weekly wage determined for the previous benefit 42971
year. The "benefit year" of a combined wage claim, as described in 42972
division (H) of section 4141.43 of the Revised Code, shall be the 42973
benefit year prescribed by the law of the state in which the claim 42974
is allowed. Any application for determination of benefit rights 42975
made in accordance with section 4141.28 of the Revised Code is 42976
valid if the individual filing such application is unemployed, has 42977
been employed by an employer or employers subject to this chapter 42978
in at least twenty qualifying weeks within the individual's base 42979
period, and has earned or been paid remuneration at an average 42980
weekly wage of not less than twenty-seven and one-half per cent of 42981
the statewide average weekly wage for such weeks. For purposes of 42982
determining whether an individual has had sufficient employment 42983
since the beginning of the individual's previous benefit year to 42984
file a valid application, "employment" means the performance of 42985
services for which remuneration is payable. 42986

(2) Effective for benefit years beginning on and after 42987
December 26, 2004, any application for determination of benefit 42988
rights made in accordance with section 4141.28 of the Revised Code 42989
is valid if the individual satisfies the criteria described in 42990
division (R)(1) of this section, and if the reason for the 42991
individual's separation from employment is not disqualifying 42992
pursuant to division (D)(2) of section 4141.29 or section 4141.291 42993

of the Revised Code. A disqualification imposed pursuant to 42994
division (D)(2) of section 4141.29 or section 4141.291 of the 42995
Revised Code must be removed as provided in those sections as a 42996
requirement of establishing a valid application for benefit years 42997
beginning on and after December 26, 2004. 42998

(3) The statewide average weekly wage shall be calculated by 42999
the director once a year based on the twelve-month period ending 43000
the thirtieth day of June, as set forth in division (B)(3) of 43001
section 4141.30 of the Revised Code, rounded down to the nearest 43002
dollar. Increases or decreases in the amount of remuneration 43003
required to have been earned or paid in order for individuals to 43004
have filed valid applications shall become effective on Sunday of 43005
the calendar week in which the first day of January occurs that 43006
follows the twelve-month period ending the thirtieth day of June 43007
upon which the calculation of the statewide average weekly wage 43008
was based. 43009

(4) As used in this division, an individual is "unemployed" 43010
if, with respect to the calendar week in which such application is 43011
filed, the individual is "partially unemployed" or "totally 43012
unemployed" as defined in this section or if, prior to filing the 43013
application, the individual was separated from the individual's 43014
most recent work for any reason which terminated the individual's 43015
employee-employer relationship, or was laid off indefinitely or 43016
for a definite period of seven or more days. 43017

(S) "Calendar quarter" means the period of three consecutive 43018
calendar months ending on the thirty-first day of March, the 43019
thirtieth day of June, the thirtieth day of September, and the 43020
thirty-first day of December, or the equivalent thereof as the 43021
director prescribes by rule. 43022

(T) "Computation date" means the first day of the third 43023
calendar quarter of any calendar year. 43024

(U) "Contribution period" means the calendar year beginning 43025
on the first day of January of any year. 43026

(V) "Agricultural labor," for the purpose of this division, 43027
means any service performed prior to January 1, 1972, which was 43028
agricultural labor as defined in this division prior to that date, 43029
and service performed after December 31, 1971: 43030

(1) On a farm, in the employ of any person, in connection 43031
with cultivating the soil, or in connection with raising or 43032
harvesting any agricultural or horticultural commodity, including 43033
the raising, shearing, feeding, caring for, training, and 43034
management of livestock, bees, poultry, and fur-bearing animals 43035
and wildlife; 43036

(2) In the employ of the owner or tenant or other operator of 43037
a farm in connection with the operation, management, conservation, 43038
improvement, or maintenance of such farm and its tools and 43039
equipment, or in salvaging timber or clearing land of brush and 43040
other debris left by hurricane, if the major part of such service 43041
is performed on a farm; 43042

(3) In connection with the production or harvesting of any 43043
commodity defined as an agricultural commodity in section 15 (g) 43044
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 43045
U.S.C. 1141j, as amended, or in connection with the ginning of 43046
cotton, or in connection with the operation or maintenance of 43047
ditches, canals, reservoirs, or waterways, not owned or operated 43048
for profit, used exclusively for supplying and storing water for 43049
farming purposes; 43050

(4) In the employ of the operator of a farm in handling, 43051
planting, drying, packing, packaging, processing, freezing, 43052
grading, storing, or delivering to storage or to market or to a 43053
carrier for transportation to market, in its unmanufactured state, 43054
any agricultural or horticultural commodity, but only if the 43055

operator produced more than one half of the commodity with respect 43056
to which such service is performed; 43057

(5) In the employ of a group of operators of farms, or a 43058
cooperative organization of which the operators are members, in 43059
the performance of service described in division (V)(4) of this 43060
section, but only if the operators produced more than one-half of 43061
the commodity with respect to which the service is performed; 43062

(6) Divisions (V)(4) and (5) of this section shall not be 43063
deemed to be applicable with respect to service performed: 43064

(a) In connection with commercial canning or commercial 43065
freezing or in connection with any agricultural or horticultural 43066
commodity after its delivery to a terminal market for distribution 43067
for consumption; or 43068

(b) On a farm operated for profit if the service is not in 43069
the course of the employer's trade or business. 43070

As used in division (V) of this section, "farm" includes 43071
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 43072
plantations, ranches, nurseries, ranges, greenhouses, or other 43073
similar structures used primarily for the raising of agricultural 43074
or horticultural commodities and orchards. 43075

(W) "Hospital" means an institution which has been registered 43076
or licensed by the Ohio department of health as a hospital. 43077

(X) "Nonprofit organization" means an organization, or group 43078
of organizations, described in section 501(c)(3) of the "Internal 43079
Revenue Code of 1954," and exempt from income tax under section 43080
501(a) of that code. 43081

(Y) "Institution of higher education" means a public or 43082
nonprofit educational institution, including an educational 43083
institution operated by an Indian tribe, which: 43084

(1) Admits as regular students only individuals having a 43085

certificate of graduation from a high school, or the recognized 43086
equivalent; 43087

(2) Is legally authorized in this state or by the Indian 43088
tribe to provide a program of education beyond high school; and 43089

(3) Provides an educational program for which it awards a 43090
bachelor's or higher degree, or provides a program which is 43091
acceptable for full credit toward such a degree, a program of 43092
post-graduate or post-doctoral studies, or a program of training 43093
to prepare students for gainful employment in a recognized 43094
occupation. 43095

For the purposes of this division, all colleges and 43096
universities in this state are institutions of higher education. 43097

(Z) For the purposes of this chapter, "states" includes the 43098
District of Columbia, the Commonwealth of Puerto Rico, and the 43099
Virgin Islands. 43100

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 43101
this section, an individual who is an alien admitted to the United 43102
States to perform service in agricultural labor pursuant to 43103
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 43104
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 43105

(BB)(1) "Crew leader" means an individual who furnishes 43106
individuals to perform agricultural labor for any other employer 43107
or farm operator, and: 43108

(a) Pays, either on the individual's own behalf or on behalf 43109
of the other employer or farm operator, the individuals so 43110
furnished by the individual for the service in agricultural labor 43111
performed by them; 43112

(b) Has not entered into a written agreement with the other 43113
employer or farm operator under which the agricultural worker is 43114
designated as in the employ of the other employer or farm 43115

operator. 43116

(2) For the purposes of this chapter, any individual who is a 43117
member of a crew furnished by a crew leader to perform service in 43118
agricultural labor for any other employer or farm operator shall 43119
be treated as an employee of the crew leader if: 43120

(a) The crew leader holds a valid certificate of registration 43121
under the "Farm Labor Contractor Registration Act of 1963," 90 43122
Stat. 2668, 7 U.S.C. 2041; or 43123

(b) Substantially all the members of the crew operate or 43124
maintain tractors, mechanized harvesting or crop-dusting 43125
equipment, or any other mechanized equipment, which is provided by 43126
the crew leader; and 43127

(c) If the individual is not in the employment of the other 43128
employer or farm operator within the meaning of division (B)(1) of 43129
this section. 43130

(3) For the purposes of this division, any individual who is 43131
furnished by a crew leader to perform service in agricultural 43132
labor for any other employer or farm operator and who is not 43133
treated as in the employment of the crew leader under division 43134
(BB)(2) of this section shall be treated as the employee of the 43135
other employer or farm operator and not of the crew leader. The 43136
other employer or farm operator shall be treated as having paid 43137
cash remuneration to the individual in an amount equal to the 43138
amount of cash remuneration paid to the individual by the crew 43139
leader, either on the crew leader's own behalf or on behalf of the 43140
other employer or farm operator, for the service in agricultural 43141
labor performed for the other employer or farm operator. 43142

(CC) "Educational institution" means an institution other 43143
than an institution of higher education as defined in division (Y) 43144
of this section, including an educational institution operated by 43145
an Indian tribe, which: 43146

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

Sec. 4141.30. (A) All benefits shall be paid through public employment offices in accordance with such rules as the director of job and family services prescribes.

(B) With the exceptions in division (B)(4) of this section, benefits are payable to each eligible and qualified individual on account of each week of involuntary total unemployment after the specified waiting period at the weekly benefit amount determined by:

(1) Computing the individual's average weekly wage as defined in division (O)(2) of section 4141.01 of the Revised Code;

(2) Determining the individual's dependency class under division (E) of this section;

(3) Computing the individual's weekly benefit amount to be 43177
fifty per cent of the individual's average weekly wage except, 43178
that the individual's weekly benefit amount shall not exceed the 43179
maximum amount shown for the individual's dependency class in the 43180
following table: 43181

Dependency Class	Maximum Weekly Benefit Amount	
A	\$147	43184
B	223	43185
C	233	43186

The director shall calculate the statewide average weekly 43187
wage based on the average weekly earnings of all workers in 43188
employment subject to this chapter during the preceding 43189
twelve-month period ending the thirtieth day of June. The 43190
calculation shall be made in the following manner: 43191

(a) The sum of the total monthly employment reported for the 43192
previous twelve-month period shall be divided by twelve to 43193
determine the average monthly employment; 43194

(b) The sum of the total wages reported for the previous 43195
twelve-month period shall be divided by the average monthly 43196
employment to determine the average annual wage; 43197

(c) The average annual wage shall be divided by fifty-two to 43198
determine the statewide average weekly wage. 43199

In the computation of the weekly benefit amount, any 43200
resulting amount not a multiple of one dollar shall be rounded to 43201
the next lower multiple of one dollar. In the computation of the 43202
adjusted maximum benefit amounts, based on the statewide average 43203
weekly wage, any resulting amount not a multiple of one dollar 43204
shall be rounded to the next lower multiple of one dollar. 43205

(4) Effective Sunday of the calendar week in which January 1, 43206
occurs for calendar years 1988 through 1993, the maximum weekly 43207

benefit amount payable for an individual's dependency class for 43208
those years shall be computed in accordance with this division, 43209
with an additional increase added to the prior year's increase 43210
equal to one-sixth of total percentage increase that otherwise 43211
would have been available in calendar years 1983, 1984, 1985, 43212
1986, and 1987, if in those years an adjustment in the maximum 43213
weekly benefit amount would have been made pursuant to this 43214
division. 43215

(5) Effective Sunday of the calendar week in which January 1, 43216
1991, occurs, the maximum weekly benefit amounts computed under 43217
divisions (B)(3) and (4) of this section shall not exceed the 43218
following amounts: 43219

(a) For dependency class A, fifty per cent of the statewide 43220
average weekly wage; 43221

(b) For dependency class B, sixty per cent of the statewide 43222
average weekly wage; 43223

(c) For dependency class C, sixty-six and two-thirds per cent 43224
of the statewide average weekly wage. 43225

Division (B)(5) of this section applies to all new claims 43226
filed on and after the Sunday of the calendar week in which 43227
January 1, 1991, occurs, provided that the maximum weekly benefit 43228
amounts established for the dependency classes prior to such date 43229
apply to all claims until the maximum weekly benefit amounts as 43230
determined pursuant to division (B)(5) of this section equal or 43231
exceed the maximum weekly benefit amounts in effect prior to such 43232
date. 43233

(6) For the time period beginning on January 1, 2018, and 43234
ending January 1, ~~2020~~ 2023, no individual's weekly benefit amount 43235
shall exceed the maximum weekly benefit amounts in effect on ~~the~~ 43236
~~effective date of this section~~ March 28, 2017. 43237

(C) Benefits are payable to each partially unemployed 43238

individual otherwise eligible on account of each week of 43239
involuntary partial unemployment after the specified waiting 43240
period in an amount equal to the individual's weekly benefit 43241
amount less that part of the remuneration payable to the 43242
individual with respect to such week which is in excess of twenty 43243
per cent of the individual's weekly benefit amount, and the 43244
resulting amount rounded to the next lower multiple of one dollar. 43245

(D) The total benefits to which an individual is entitled in 43246
any benefit year, whether for partial or total unemployment, or 43247
both, shall not exceed the lesser of the following two amounts: 43248
(1) an amount equal to twenty-six times the individual's weekly 43249
benefit amount determined in accordance with division (B) of this 43250
section and this division, or (2) an amount computed by taking the 43251
sum of twenty times the individual's weekly benefit amount for the 43252
first twenty base period qualifying weeks plus one times the 43253
weekly benefit amount for each additional qualifying week beyond 43254
the first twenty qualifying weeks in the individual's base period. 43255

(E) Each eligible and qualified individual shall be assigned 43256
a dependency class in accordance with the following schedule: 43257

Class	Description of Dependents	
A	No dependents, or has insufficient wages to qualify for more than the maximum weekly benefit amount as provided under dependency class A	43258 43259 43260 43261 43262
B	One or two dependents	43263
C	Three or more dependents	43264

As used in this division "dependent" means: 43265

(1) Any natural child, stepchild, or adopted child of the 43266
individual claiming benefits for whom such individual at the 43267
beginning of the individual's current benefit year is supplying 43268
and for at least ninety consecutive days, or for the duration of 43269
the parental relationship if it existed less than ninety days, 43270

immediately preceding the beginning of such benefit year, has 43271
supplied more than one-half of the cost of support and if such 43272
child on the beginning date of such benefit year was under 43273
eighteen years of age, or if unable to work because of permanent 43274
physical or mental disability; 43275

(2) The legally married wife or husband of the individual 43276
claiming benefits for whom more than one-half the cost of support 43277
has been supplied by such individual for at least ninety 43278
consecutive days, or for the duration of the marital relationship 43279
if it has existed for less than ninety days, immediately preceding 43280
the beginning of such individual's current benefit year and such 43281
wife or husband was living with such individual and had an average 43282
weekly income, in such period, not in excess of twenty-five per 43283
cent of the claimant's average weekly wage. 43284

(3) If both the husband and wife qualify for benefit rights 43285
with overlapping benefit years, only one of them may qualify for a 43286
dependency class other than A. 43287

Sec. 4141.35. (A) If the director of job and family services 43288
finds that any fraudulent misrepresentation has been made by an 43289
applicant for or a recipient of benefits with the object of 43290
obtaining benefits to which the applicant or recipient was not 43291
entitled, and in addition to any other penalty or forfeiture under 43292
this chapter, then the director: 43293

(1) Shall within four years after the end of the benefit year 43294
in which the fraudulent misrepresentation was made reject or 43295
cancel such person's entire weekly claim for benefits that was 43296
fraudulently claimed, or the person's entire benefit rights if the 43297
misrepresentation was in connection with the filing of the 43298
claimant's application for determination of benefit rights; 43299

(2) Shall by order declare that, for each application for 43300
benefit rights and for each weekly claim canceled, such person 43301

shall be ineligible for two otherwise valid weekly claims for 43302
benefits, claimed within six years subsequent to the discovery of 43303
such misrepresentation; 43304

(3) By order shall require that the total amount of benefits 43305
rejected or canceled under division (A)(1) of this section be 43306
repaid to the director before such person may become eligible for 43307
further benefits, and shall withhold such unpaid sums from future 43308
benefit payments accruing and otherwise payable to such claimant. 43309
Effective with orders issued on or after January 1, 1993, if such 43310
benefits are not repaid within thirty days after the director's 43311
order becomes final, interest on the amount remaining unpaid shall 43312
be charged to the person at a rate and calculated in the same 43313
manner as provided under section 4141.23 of the Revised Code. When 43314
a person ordered to repay benefits has repaid all overpaid 43315
benefits according to a plan approved by the director, the 43316
director may cancel the amount of interest that accrued during the 43317
period of the repayment plan. The director may take action in any 43318
court of competent jurisdiction to collect benefits and interest 43319
as provided in sections 4141.23 and 4141.27 of the Revised Code, 43320
in regard to the collection of unpaid contributions, using the 43321
final repayment order as the basis for such action. Except as 43322
otherwise provided in this division, no administrative or legal 43323
proceedings for the collection of such benefits or interest due, 43324
or for the collection of a penalty under division (A)(4) of this 43325
section, shall be initiated after the expiration of six years from 43326
the date on which the director's order requiring repayment became 43327
final and the amount of any benefits, penalty, or interest not 43328
recovered at that time, and any liens thereon, shall be canceled 43329
as uncollectible. The time limit for instituting proceedings shall 43330
be extended by the period of any stay to the collection or by any 43331
other time period to which the parties mutually agree. 43332

(4) Shall, for findings made on or after October 21, 2013, by 43333

order assess a mandatory penalty on such a person in an amount 43334
equal to twenty-five per cent of the total amount of benefits 43335
rejected or canceled under division (A)(1) of this section. The 43336
first sixty per cent of each penalty collected under division 43337
(A)(4) of this section shall be deposited into the unemployment 43338
compensation fund created under section 4141.09 of the Revised 43339
Code and shall be credited to the mutualized account, as provided 43340
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 43341
remainder of each penalty collected shall be deposited into the 43342
unemployment compensation special administrative fund created 43343
under section 4141.11 of the Revised Code. 43344

(5) May take action to collect benefits fraudulently obtained 43345
under the unemployment compensation law of any other state or the 43346
United States or Canada. Such action may be initiated in the 43347
courts of this state in the same manner as provided for unpaid 43348
contributions in section 4141.41 of the Revised Code. 43349

(6) May take action to collect benefits that have been 43350
fraudulently obtained from the director, interest pursuant to 43351
division (A)(3) of this section, and court costs, through 43352
attachment proceedings under Chapter 2715. of the Revised Code and 43353
garnishment proceedings under Chapter 2716. of the Revised Code. 43354

(B) If the director finds that an applicant for benefits has 43355
been credited with a waiting period or paid benefits to which the 43356
applicant was not entitled for reasons other than fraudulent 43357
misrepresentation, the director shall: 43358

(1)(a) Within six months after the determination under which 43359
the claimant was credited with that waiting period or paid 43360
benefits becomes final pursuant to section 4141.28 of the Revised 43361
Code, or within three years after the end of the benefit year in 43362
which such benefits were claimed, whichever is later, by order 43363
cancel such waiting period and require that such benefits be 43364
repaid to the director or be withheld from any benefits to which 43365

such applicant is or may become entitled before any additional 43366
benefits are paid, provided that the repayment or withholding 43367
shall not be required where the overpayment is the result of the 43368
director's correcting a prior decision due to a typographical or 43369
clerical error in the director's prior decision, or an error in an 43370
employer's report under division (G) of section 4141.28 of the 43371
Revised Code. 43372

(b) The limitation specified in division (B)(1)(a) of this 43373
section shall not apply to cases involving the retroactive payment 43374
of remuneration covering periods for which benefits were 43375
previously paid to the claimant. However, in such cases, the 43376
director's order requiring repayment shall not be issued unless 43377
the director is notified of such retroactive payment within six 43378
months from the date the retroactive payment was made to the 43379
claimant. 43380

(2) The director may, by reciprocal agreement with the United 43381
States secretary of labor or another state, recover overpayment 43382
amounts from unemployment benefits otherwise payable to an 43383
individual under Chapter 4141. of the Revised Code. Any 43384
overpayments made to the individual that have not previously been 43385
recovered under an unemployment benefit program of the United 43386
States may be recovered in accordance with section 303(g) of the 43387
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 43388
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 43389
3301 to 3311. 43390

(3) If the amounts required to be repaid under division (B) 43391
of this section are not recovered within three years from the date 43392
the director's order requiring payment became final, initiate no 43393
further action to collect such benefits and the amount of any 43394
benefits not recovered at that time shall be canceled as 43395
uncollectible, provided that the time limit for collection shall 43396
be extended by the period of any stay to the collection or by any 43397

other time period to which the parties mutually agree. 43398

(C) The appeal provisions of sections 4141.281 and 4141.282 43399
of the Revised Code shall apply to all orders and determinations 43400
issued under this section, except that an individual's right of 43401
appeal under division (B)(2) of this section shall be limited to 43402
this state's authority to recover overpayment of benefits. 43403

(D) The director shall deposit any repayment collected under 43404
this section that the director determines to be payment of 43405
interest or court costs into the unemployment compensation special 43406
administrative fund established pursuant to section 4141.11 of the 43407
Revised Code. 43408

(E) If an individual makes a full repayment or a repayment 43409
that is less than the full amount required by this section, the 43410
director shall apply the repayment to the mutualized account under 43411
division (B) of section 4141.25 of the Revised Code, except that 43412
the director shall credit the repayment to the accounts of the 43413
individual's base period employers that previously have not been 43414
credited for the amount of improperly paid benefits charged 43415
against their accounts based on the proportion of benefits charged 43416
against the accounts as determined pursuant to division (D) of 43417
section 4141.24 of the Revised Code. 43418

~~The director shall deposit any repayment collected under this 43419
section that the director determines to be payment of interest or 43420
court costs into the unemployment compensation special 43421
administrative fund established pursuant to section 4141.11 of the 43422
Revised Code.~~ 43423

This division does not apply to any of the following: 43424

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 43425

(2) Unclaimed fund recoveries under section 131.024 of the 43426
Revised Code; 43427

(3) Lottery award offsets under section 3770.073 of the Revised Code;	43428 43429
(4) State tax refund offsets under section 5747.12 of the Revised Code;	43430 43431
<u>(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code.</u>	43432 43433
Sec. 4141.50. (A) As used in this section and in sections 4141.51 to 4141.56 of the Revised Code:	43434 43435
(1) "Affected unit" means a department, shift, or other organizational unit of two or more employees that is designated by a participating employer in a shared work plan.	43436 43437 43438
(2) "Approved shared work plan" means an employer's shared work plan, submitted pursuant to section 4141.51 of the Revised Code, that satisfies all of the requirements for approval under that section and that the director of job and family services has approved in writing.	43439 43440 43441 43442 43443
(3) "Intermittent basis" means employment that is not continuous but may consist of periodic intervals of weekly work and intervals of no weekly work.	43444 43445 43446
(4) "Normal weekly hours of work" means the normal hours of work <u>in employment</u> each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including any overtime worked.	43447 43448 43449 43450
(5) "Participating employee" means an employee whose normal weekly hours of work are reduced by the reduction percentage under an approved shared work plan.	43451 43452 43453
(6) "Participating employer" means an employer who has an approved shared work plan in effect.	43454 43455
(7) "Reduction percentage" means the percentage by which each	43456

participating employee's normal weekly hours of work are reduced 43457
under an approved shared work plan. 43458

(8) "Seasonal basis" has the same meaning as "seasonal 43459
employment" as defined in division (A) of section 4141.33 of the 43460
Revised Code. 43461

(9) "Shared work compensation" means the pro rata share of 43462
unemployment compensation benefits payable to a participating 43463
employee under an approved shared work plan. "Shared work 43464
compensation" does not include unemployment compensation benefits 43465
otherwise payable to an eligible claimant who is totally or 43466
partially unemployed. 43467

(10) "Temporary basis" means employment where an employee is 43468
expected to remain in a position for only a limited period of time 43469
or is hired by a temporary agency to fill a gap in the employer's 43470
workforce. 43471

(B) There is hereby created the "SharedWork Ohio" program, 43472
under which an employer who participates in the program reduces 43473
the number of hours worked by the employees of the employer in 43474
lieu of layoffs. 43475

The director may adopt rules as the director determines 43476
necessary to implement any guidance issued by the United States 43477
secretary of labor with respect to the SharedWork Ohio program. 43478

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 43479
the Revised Code: 43480

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 43481
fluid ounces. 43482

(2) "Sale" or "sell" includes exchange, barter, gift, 43483
distribution, and, except with respect to A-4 permit holders, 43484
offer for sale. 43485

(B) For the purposes of providing revenues for the support of 43486

the state and encouraging the grape industries in the state, a tax 43487
is hereby levied on the sale or distribution of wine in Ohio, 43488
except for known sacramental purposes, at the rate of thirty cents 43489
per wine gallon for wine containing not less than four per cent of 43490
alcohol by volume and not more than fourteen per cent of alcohol 43491
by volume, ninety-eight cents per wine gallon for wine containing 43492
more than fourteen per cent but not more than twenty-one per cent 43493
of alcohol by volume, one dollar and eight cents per wine gallon 43494
for vermouth, and one dollar and forty-eight cents per wine gallon 43495
for sparkling and carbonated wine and champagne, the tax to be 43496
paid by the holders of A-2, A-2f, and B-5 permits or by any other 43497
person selling or distributing wine upon which no tax has been 43498
paid. From the tax paid under this section on wine, vermouth, and 43499
sparkling and carbonated wine and champagne, the treasurer of 43500
state shall credit to the Ohio grape industries fund created under 43501
section 924.54 of the Revised Code a sum equal to one cent per 43502
gallon for each gallon upon which the tax is paid. 43503

(C) For the purpose of providing revenues for the support of 43504
the state, there is hereby levied a tax on prepared and bottled 43505
highballs, cocktails, cordials, and other mixed beverages at the 43506
rate of one dollar and twenty cents per wine gallon to be paid by 43507
holders of A-4 permits or by any other person selling or 43508
distributing those products upon which no tax has been paid. Only 43509
one sale of the same article shall be used in computing the amount 43510
of tax due. The tax on mixed beverages to be paid by holders of 43511
A-4 permits under this section shall not attach until the 43512
ownership of the mixed beverage is transferred for valuable 43513
consideration to a wholesaler or retailer, and no payment of the 43514
tax shall be required prior to that time. 43515

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 43516
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 43517
and sparkling and carbonated wine and champagne, the treasurer of 43518

state shall credit to the Ohio grape industries fund created under 43519
section 924.54 of the Revised Code a sum equal to two cents per 43520
gallon upon which the tax is paid. The amount credited under this 43521
division is in addition to the amount credited to the Ohio grape 43522
industries fund under division (B) of this section. 43523

(E) For the purpose of providing revenues for the support of 43524
the state, there is hereby levied a tax on cider at the rate of 43525
twenty-four cents per wine gallon to be paid by the holders of 43526
A-2, A-2f, and B-5 permits or by any other person selling or 43527
distributing cider upon which no tax has been paid. Only one sale 43528
of the same article shall be used in computing the amount of the 43529
tax due. 43530

Sec. 4301.62. (A) As used in this section: 43531

(1) "Chauffeured limousine" means a vehicle registered under 43532
section 4503.24 of the Revised Code. 43533

(2) "Street," "highway," and "motor vehicle" have the same 43534
meanings as in section 4511.01 of the Revised Code. 43535

(B) No person shall have in the person's possession an opened 43536
container of beer or intoxicating liquor in any of the following 43537
circumstances: 43538

(1) Except as provided in division (C)(1)~~(e)~~(h) of this 43539
section, in an agency store; 43540

(2) Except as provided in division (C) of this section, on 43541
the premises of the holder of any permit issued by the division of 43542
liquor control; 43543

(3) In any other public place; 43544

(4) Except as provided in division (D) or (E) of this 43545
section, while operating or being a passenger in or on a motor 43546
vehicle on any street, highway, or other public or private 43547
property open to the public for purposes of vehicular travel or 43548

parking; 43549

(5) Except as provided in division (D) or (E) of this 43550
section, while being in or on a stationary motor vehicle on any 43551
street, highway, or other public or private property open to the 43552
public for purposes of vehicular travel or parking. 43553

(C)(1) A person may have in the person's possession an opened 43554
container of any of the following: 43555

(a) Beer or intoxicating liquor that has been lawfully 43556
purchased for consumption on the premises where bought from the 43557
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 43558
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 43559
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 43560
or F-8 permit; 43561

(b) Beer, wine, or mixed beverages served for consumption on 43562
the premises by the holder of an F-3 permit, ~~wine;~~ 43563

(c) Wine served as a tasting sample by an A-2 or A-2f permit 43564
holder or S permit holder for consumption on the premises of a 43565
farmers market for which an F-10 permit has been issued, ~~or wine;~~ 43566

(d) Beer served as a tasting sample by a brewer, as defined 43567
in section 4303.2011 of the Revised Code, for consumption on the 43568
premises of a farmers market for which an F-11 permit has been 43569
issued; 43570

(e) Wine served for consumption on the premises by the holder 43571
of an F-4 or F-6 permit; 43572

~~(e)~~(f) Beer or intoxicating liquor consumed on the premises 43573
of a convention facility as provided in section 4303.201 of the 43574
Revised Code; 43575

~~(d)~~(g) Beer or intoxicating liquor to be consumed during 43576
tastings and samplings approved by rule of the liquor control 43577
commission; 43578

~~(e)~~(h) Spirituous liquor to be consumed for purposes of a 43579
tasting sample, as defined in section 4301.171 of the Revised 43580
Code. 43581

(2) A person may have in the person's possession on an F 43582
liquor permit premises an opened container of beer or intoxicating 43583
liquor that was not purchased from the holder of the F permit if 43584
the premises for which the F permit is issued is a music festival 43585
and the holder of the F permit grants permission for that 43586
possession on the premises during the period for which the F 43587
permit is issued. As used in this division, "music festival" means 43588
a series of outdoor live musical performances, extending for a 43589
period of at least three consecutive days and located on an area 43590
of land of at least forty acres. 43591

(3)(a) A person may have in the person's possession on a D-2 43592
liquor permit premises an opened or unopened container of wine 43593
that was not purchased from the holder of the D-2 permit if the 43594
premises for which the D-2 permit is issued is an outdoor 43595
performing arts center, the person is attending an orchestral 43596
performance, and the holder of the D-2 permit grants permission 43597
for the possession and consumption of wine in certain 43598
predesignated areas of the premises during the period for which 43599
the D-2 permit is issued. 43600

(b) As used in division (C)(3)(a) of this section: 43601

(i) "Orchestral performance" means a concert comprised of a 43602
group of not fewer than forty musicians playing various musical 43603
instruments. 43604

(ii) "Outdoor performing arts center" means an outdoor 43605
performing arts center that is located on not less than one 43606
hundred fifty acres of land and that is open for performances from 43607
the first day of April to the last day of October of each year. 43608

(4) A person may have in the person's possession an opened or 43609

unopened container of beer or intoxicating liquor at an outdoor 43610
location at which the person is attending an orchestral 43611
performance as defined in division (C)(3)(b)(i) of this section if 43612
the person with supervision and control over the performance 43613
grants permission for the possession and consumption of beer or 43614
intoxicating liquor in certain predesignated areas of that outdoor 43615
location. 43616

(5) A person may have in the person's possession on an F-9 43617
liquor permit premises an opened or unopened container of beer or 43618
intoxicating liquor that was not purchased from the holder of the 43619
F-9 permit if the person is attending either of the following: 43620

(a) An orchestral performance and the F-9 permit holder 43621
grants permission for the possession and consumption of beer or 43622
intoxicating liquor in certain predesignated areas of the premises 43623
during the period for which the F-9 permit is issued; 43624

(b) An outdoor performing arts event or orchestral 43625
performance that is free of charge and the F-9 permit holder 43626
annually hosts not less than twenty-five other events or 43627
performances that are free of charge on the permit premises. 43628

As used in division (C)(5) of this section, "orchestral 43629
performance" has the same meaning as in division (C)(3)(b) of this 43630
section. 43631

(6)(a) A person may have in the person's possession on the 43632
property of an outdoor motorsports facility an opened or unopened 43633
container of beer or intoxicating liquor that was not purchased 43634
from the owner of the facility if both of the following apply: 43635

(i) The person is attending a racing event at the facility; 43636
and 43637

(ii) The owner of the facility grants permission for the 43638
possession and consumption of beer or intoxicating liquor on the 43639
property of the facility. 43640

- (b) As used in division (C)(6)(a) of this section: 43641
- (i) "Racing event" means a motor vehicle racing event 43642
sanctioned by one or more motor racing sanctioning organizations. 43643
- (ii) "Outdoor motorsports facility" means an outdoor 43644
racetrack to which all of the following apply: 43645
- (I) It is two and four-tenths miles or more in length. 43646
- (II) It is located on two hundred acres or more of land. 43647
- (III) The primary business of the owner of the facility is 43648
the hosting and promoting of racing events. 43649
- (IV) The holder of a D-1, D-2, or D-3 permit is located on 43650
the property of the facility. 43651
- (7)(a) A person may have in the person's possession an opened 43652
container of beer or intoxicating liquor at an outdoor location 43653
within an outdoor refreshment area created under section 4301.82 43654
of the Revised Code if the opened container of beer or 43655
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 43656
A-2f, D class, or F class permit holder to which both of the 43657
following apply: 43658
- (i) The permit holder's premises is located within the 43659
outdoor refreshment area. 43660
- (ii) The permit held by the permit holder has an outdoor 43661
refreshment area designation. 43662
- (b) Division (C)(7) of this section does not authorize a 43663
person to do either of the following: 43664
- (i) Enter the premises of an establishment within an outdoor 43665
refreshment area while possessing an opened container of beer or 43666
intoxicating liquor acquired elsewhere; 43667
- (ii) Possess an opened container of beer or intoxicating 43668
liquor while being in or on a motor vehicle within an outdoor 43669

refreshment area, unless the possession is otherwise authorized 43670
under division (D) or (E) of this section. 43671

(c) As used in division (C)(7) of this section, "D class 43672
permit holder" does not include a D-6 or D-8 permit holder. 43673

(8)(a) A person may have in the person's possession on the 43674
property of a market, within a defined F-8 permit premises, an 43675
opened container of beer or intoxicating liquor that was purchased 43676
from a D permit premises that is located immediately adjacent to 43677
the market if both of the following apply: 43678

(i) The market grants permission for the possession and 43679
consumption of beer and intoxicating liquor within the defined F-8 43680
permit premises; 43681

(ii) The market is hosting an event pursuant to an F-8 permit 43682
and the market has notified the division of liquor control about 43683
the event in accordance with division (A)(3) of section 4303.208 43684
of the Revised Code. 43685

(b) As used in division (C)(8) of this section, "market" 43686
means a market, for which an F-8 permit is held, that has been in 43687
operation since 1860. 43688

(D) This section does not apply to a person who pays all or a 43689
portion of the fee imposed for the use of a chauffeured limousine 43690
pursuant to a prearranged contract, or the guest of the person, 43691
when all of the following apply: 43692

(1) The person or guest is a passenger in the limousine. 43693

(2) The person or guest is located in the limousine, but is 43694
not occupying a seat in the front compartment of the limousine 43695
where the operator of the limousine is located. 43696

(3) The limousine is located on any street, highway, or other 43697
public or private property open to the public for purposes of 43698
vehicular travel or parking. 43699

(E) An opened bottle of wine that was purchased from the 43700
holder of a permit that authorizes the sale of wine for 43701
consumption on the premises where sold is not an opened container 43702
for the purposes of this section if both of the following apply: 43703

(1) The opened bottle of wine is securely resealed by the 43704
permit holder or an employee of the permit holder before the 43705
bottle is removed from the premises. The bottle shall be secured 43706
in such a manner that it is visibly apparent if the bottle has 43707
been subsequently opened or tampered with. 43708

(2) The opened bottle of wine that is resealed in accordance 43709
with division (E)(1) of this section is stored in the trunk of a 43710
motor vehicle or, if the motor vehicle does not have a trunk, 43711
behind the last upright seat or in an area not normally occupied 43712
by the driver or passengers and not easily accessible by the 43713
driver. 43714

(F)(1) Except if an ordinance or resolution is enacted or 43715
adopted under division (F)(2) of this section, this section does 43716
not apply to a person who, pursuant to a prearranged contract, is 43717
a passenger riding on a commercial quadricycle when all of the 43718
following apply: 43719

(a) The person is not occupying a seat in the front of the 43720
commercial quadricycle where the operator is steering or braking. 43721

(b) The commercial quadricycle is being operated on a street, 43722
highway, or other public or private property open to the public 43723
for purposes of vehicular travel or parking. 43724

(c) The person has in their possession on the commercial 43725
quadricycle an opened container of beer or wine. 43726

(d) The person has in their possession on the commercial 43727
quadricycle not more than either thirty-six ounces of beer or 43728
eighteen ounces of wine. 43729

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

Sec. 4303.181. (A) Permit D-5a may be issued either to the 43760
owner or operator of a hotel or motel that is required to be 43761
licensed under section 3731.03 of the Revised Code, that contains 43762
at least fifty rooms for registered transient guests or is owned 43763
by a state institution of higher education as defined in section 43764
3345.011 of the Revised Code or a private college or university, 43765
and that qualifies under the other requirements of this section, 43766
or to the owner or operator of a restaurant specified under this 43767
section, to sell beer and any intoxicating liquor at retail, only 43768
by the individual drink in glass and from the container, for 43769
consumption on the premises where sold, and to registered guests 43770
in their rooms, which may be sold by means of a controlled access 43771
alcohol and beverage cabinet in accordance with division (B) of 43772
section 4301.21 of the Revised Code; and to sell the same products 43773
in the same manner and amounts not for consumption on the premises 43774
as may be sold by holders of D-1 and D-2 permits. The premises of 43775
the hotel or motel shall include a retail food establishment or a 43776
food service operation licensed pursuant to Chapter 3717. of the 43777
Revised Code that operates as a restaurant for purposes of this 43778
chapter and that is affiliated with the hotel or motel and within 43779
or contiguous to the hotel or motel, and that serves food within 43780
the hotel or motel, but the principal business of the owner or 43781
operator of the hotel or motel shall be the accommodation of 43782
transient guests. In addition to the privileges authorized in this 43783
division, the holder of a D-5a permit may exercise the same 43784
privileges as the holder of a D-5 permit. 43785

The owner or operator of a hotel, motel, or restaurant who 43786
qualified for and held a D-5a permit on August 4, 1976, may, if 43787
the owner or operator held another permit before holding a D-5a 43788
permit, either retain a D-5a permit or apply for the permit 43789
formerly held, and the division of liquor control shall issue the 43790
permit for which the owner or operator applies and formerly held, 43791

notwithstanding any quota. 43792

A D-5a permit shall not be transferred to another location. 43793
No quota restriction shall be placed on the number of D-5a permits 43794
that may be issued. 43795

The fee for this permit is two thousand three hundred 43796
forty-four dollars. 43797

(B) Permit D-5b may be issued to the owner, operator, tenant, 43798
lessee, or occupant of an enclosed shopping center to sell beer 43799
and intoxicating liquor at retail, only by the individual drink in 43800
glass and from the container, for consumption on the premises 43801
where sold; and to sell the same products in the same manner and 43802
amount not for consumption on the premises as may be sold by 43803
holders of D-1 and D-2 permits. In addition to the privileges 43804
authorized in this division, the holder of a D-5b permit may 43805
exercise the same privileges as a holder of a D-5 permit. 43806

A D-5b permit shall not be transferred to another location. 43807

One D-5b permit may be issued at an enclosed shopping center 43808
containing at least two hundred twenty-five thousand, but less 43809
than four hundred thousand, square feet of floor area. 43810

Two D-5b permits may be issued at an enclosed shopping center 43811
containing at least four hundred thousand square feet of floor 43812
area. No more than one D-5b permit may be issued at an enclosed 43813
shopping center for each additional two hundred thousand square 43814
feet of floor area or fraction of that floor area, up to a maximum 43815
of five D-5b permits for each enclosed shopping center. The number 43816
of D-5b permits that may be issued at an enclosed shopping center 43817
shall be determined by subtracting the number of D-3 and D-5 43818
permits issued in the enclosed shopping center from the number of 43819
D-5b permits that otherwise may be issued at the enclosed shopping 43820
center under the formulas provided in this division. Except as 43821
provided in this section, no quota shall be placed on the number 43822

of D-5b permits that may be issued. Notwithstanding any quota 43823
provided in this section, the holder of any D-5b permit first 43824
issued in accordance with this section is entitled to its renewal 43825
in accordance with section 4303.271 of the Revised Code. 43826

The holder of a D-5b permit issued before April 4, 1984, 43827
whose tenancy is terminated for a cause other than nonpayment of 43828
rent, may return the D-5b permit to the division of liquor 43829
control, and the division shall cancel that permit. Upon 43830
cancellation of that permit and upon the permit holder's payment 43831
of taxes, contributions, premiums, assessments, and other debts 43832
owing or accrued upon the date of cancellation to this state and 43833
its political subdivisions and a filing with the division of a 43834
certification of that payment, the division shall issue to that 43835
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 43836
that person requests. The division shall issue the D-5 permit, or 43837
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 43838
D-3, or D-5 permits currently issued in the municipal corporation 43839
or in the unincorporated area of the township where that person's 43840
proposed premises is located equals or exceeds the maximum number 43841
of such permits that can be issued in that municipal corporation 43842
or in the unincorporated area of that township under the 43843
population quota restrictions contained in section 4303.29 of the 43844
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 43845
be transferred to another location. If a D-5b permit is canceled 43846
under the provisions of this paragraph, the number of D-5b permits 43847
that may be issued at the enclosed shopping center for which the 43848
D-5b permit was issued, under the formula provided in this 43849
division, shall be reduced by one if the enclosed shopping center 43850
was entitled to more than one D-5b permit under the formula. 43851

The fee for this permit is two thousand three hundred 43852
forty-four dollars. 43853

(C) Permit D-5c may be issued to the owner or operator of a 43854

retail food establishment or a food service operation licensed 43855
pursuant to Chapter 3717. of the Revised Code that operates as a 43856
restaurant for purposes of this chapter and that qualifies under 43857
the other requirements of this section to sell beer and any 43858
intoxicating liquor at retail, only by the individual drink in 43859
glass and from the container, for consumption on the premises 43860
where sold, and to sell the same products in the same manner and 43861
amounts not for consumption on the premises as may be sold by 43862
holders of D-1 and D-2 permits. In addition to the privileges 43863
authorized in this division, the holder of a D-5c permit may 43864
exercise the same privileges as the holder of a D-5 permit. 43865

To qualify for a D-5c permit, the owner or operator of a 43866
retail food establishment or a food service operation licensed 43867
pursuant to Chapter 3717. of the Revised Code that operates as a 43868
restaurant for purposes of this chapter, shall have operated the 43869
restaurant at the proposed premises for not less than twenty-four 43870
consecutive months immediately preceding the filing of the 43871
application for the permit, have applied for a D-5 permit no later 43872
than December 31, 1988, and appear on the division's quota waiting 43873
list for not less than six months immediately preceding the filing 43874
of the application for the permit. In addition to these 43875
requirements, the proposed D-5c permit premises shall be located 43876
within a municipal corporation and further within an election 43877
precinct that, at the time of the application, has no more than 43878
twenty-five per cent of its total land area zoned for residential 43879
use. 43880

A D-5c permit shall not be transferred to another location. 43881
No quota restriction shall be placed on the number of such permits 43882
that may be issued. 43883

Any person who has held a D-5c permit for at least two years 43884
may apply for a D-5 permit, and the division of liquor control 43885
shall issue the D-5 permit notwithstanding the quota restrictions 43886

contained in section 4303.29 of the Revised Code or in any rule of 43887
the liquor control commission. 43888

The fee for this permit is one thousand five hundred 43889
sixty-three dollars. 43890

(D) Permit D-5d may be issued to the owner or operator of a 43891
retail food establishment or a food service operation licensed 43892
pursuant to Chapter 3717. of the Revised Code that operates as a 43893
restaurant for purposes of this chapter and that is located at an 43894
airport operated by a board of county commissioners pursuant to 43895
section 307.20 of the Revised Code, at an airport operated by a 43896
port authority pursuant to Chapter 4582. of the Revised Code, or 43897
at an airport operated by a regional airport authority pursuant to 43898
Chapter 308. of the Revised Code. The holder of a D-5d permit may 43899
sell beer and any intoxicating liquor at retail, only by the 43900
individual drink in glass and from the container, for consumption 43901
on the premises where sold, and may sell the same products in the 43902
same manner and amounts not for consumption on the premises where 43903
sold as may be sold by the holders of D-1 and D-2 permits. In 43904
addition to the privileges authorized in this division, the holder 43905
of a D-5d permit may exercise the same privileges as the holder of 43906
a D-5 permit. 43907

A D-5d permit shall not be transferred to another location. 43908
No quota restrictions shall be placed on the number of such 43909
permits that may be issued. 43910

The fee for this permit is two thousand three hundred 43911
forty-four dollars. 43912

(E) Permit D-5e may be issued to any nonprofit organization 43913
that is exempt from federal income taxation under the "Internal 43914
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 43915
amended, or that is a charitable organization under any chapter of 43916
the Revised Code, and that owns or operates a riverboat that meets 43917

all of the following:	43918
(1) Is permanently docked at one location;	43919
(2) Is designated as an historical riverboat by the Ohio history connection;	43920 43921
(3) Contains not less than fifteen hundred square feet of floor area;	43922 43923
(4) Has a seating capacity of fifty or more persons.	43924
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	43925 43926 43927
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	43928 43929 43930 43931 43932 43933 43934 43935 43936 43937
The fee for this permit is one thousand two hundred nineteen dollars.	43938 43939
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	43940 43941 43942 43943 43944
(1) It contains not less than twenty-five hundred square feet of floor area.	43945 43946
(2) It is located on or in, or immediately adjacent to, the	43947

shoreline of, a navigable river. 43948

(3) It provides docking space for twenty-five boats. 43949

(4) It provides entertainment and recreation, provided that 43950
not less than fifty per cent of the business on the permit 43951
premises shall be preparing and serving meals for a consideration. 43952

In addition, each application for a D-5f permit shall be 43953
accompanied by a certification from the local legislative 43954
authority that the issuance of the D-5f permit is not inconsistent 43955
with that political subdivision's comprehensive development plan 43956
or other economic development goal as officially established by 43957
the local legislative authority. 43958

The holder of a D-5f permit may sell beer and intoxicating 43959
liquor at retail, only by the individual drink in glass and from 43960
the container, for consumption on the premises where sold. 43961

A D-5f permit shall not be transferred to another location. 43962

The division of liquor control shall not issue a D-5f permit 43963
if the permit premises or proposed permit premises are located 43964
within an area in which the sale of spirituous liquor by the glass 43965
is prohibited. 43966

A fee for this permit is two thousand three hundred 43967
forty-four dollars. 43968

As used in this division, "navigable river" means a river 43969
that is also a "navigable water" as defined in the "Federal Power 43970
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 43971

(G) Permit D-5g may be issued to a nonprofit corporation that 43972
is either the owner or the operator of a national professional 43973
sports museum. The holder of a D-5g permit may sell beer and any 43974
intoxicating liquor at retail, only by the individual drink in 43975
glass and from the container, for consumption on the premises 43976
where sold. The holder of a D-5g permit shall sell no beer or 43977

intoxicating liquor for consumption on the premises where sold 43978
after two-thirty a.m. A D-5g permit shall not be transferred to 43979
another location. No quota restrictions shall be placed on the 43980
number of D-5g permits that may be issued. The fee for this permit 43981
is one thousand eight hundred seventy-five dollars. 43982

(H)(1) Permit D-5h may be issued to any nonprofit 43983
organization that is exempt from federal income taxation under the 43984
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 43985
501(c)(3), as amended, that owns or operates any of the following: 43986

(a) A fine arts museum, provided that the nonprofit 43987
organization has no less than one thousand five hundred bona fide 43988
members possessing full membership privileges; 43989

(b) A community arts center. As used in division (H)(1)(b) of 43990
this section, "community arts center" means a facility that 43991
provides arts programming to the community in more than one arts 43992
discipline, including, but not limited to, exhibits of works of 43993
art and performances by both professional and amateur artists. 43994

(c) A community theater, provided that the nonprofit 43995
organization is a member of the Ohio arts council and the American 43996
community theatre association and has been in existence for not 43997
less than ten years. As used in division (H)(1)(c) of this 43998
section, "community theater" means a facility that contains at 43999
least one hundred fifty seats and has a primary function of 44000
presenting live theatrical performances and providing recreational 44001
opportunities to the community. 44002

(2) The holder of a D-5h permit may sell beer and any 44003
intoxicating liquor at retail, only by the individual drink in 44004
glass and from the container, for consumption on the premises 44005
where sold. The holder of a D-5h permit shall sell no beer or 44006
intoxicating liquor for consumption on the premises where sold 44007
after one a.m. A D-5h permit shall not be transferred to another 44008

location. No quota restrictions shall be placed on the number of 44009
D-5h permits that may be issued. 44010

(3) The fee for a D-5h permit is one thousand eight hundred 44011
seventy-five dollars. 44012

(I) Permit D-5i may be issued to the owner or operator of a 44013
retail food establishment or a food service operation licensed 44014
under Chapter 3717. of the Revised Code that operates as a 44015
restaurant for purposes of this chapter and that meets all of the 44016
following requirements: 44017

(1) It is located in a municipal corporation or a township 44018
with a population of one hundred thousand or less. 44019

(2) It has inside seating capacity for at least one hundred 44020
forty persons. 44021

(3) It has at least four thousand square feet of floor area. 44022

(4) It offers full-course meals, appetizers, and sandwiches. 44023

(5) Its receipts from beer and liquor sales, excluding wine 44024
sales, do not exceed twenty-five per cent of its total gross 44025
receipts. 44026

(6) It has at least one of the following characteristics: 44027

(a) The value of its real and personal property exceeds seven 44028
hundred twenty-five thousand dollars. 44029

(b) It is located on property that is owned or leased by the 44030
state or a state agency, and its owner or operator has 44031
authorization from the state or the state agency that owns or 44032
leases the property to obtain a D-5i permit. 44033

The holder of a D-5i permit may sell beer and any 44034
intoxicating liquor at retail, only by the individual drink in 44035
glass and from the container, for consumption on the premises 44036
where sold, and may sell the same products in the same manner and 44037
amounts not for consumption on the premises where sold as may be 44038

sold by the holders of D-1 and D-2 permits. The holder of a D-5i 44039
permit shall sell no beer or intoxicating liquor for consumption 44040
on the premises where sold after two-thirty a.m. In addition to 44041
the privileges authorized in this division, the holder of a D-5i 44042
permit may exercise the same privileges as the holder of a D-5 44043
permit. 44044

A D-5i permit shall not be transferred to another location. 44045
The division of liquor control shall not renew a D-5i permit 44046
unless the retail food establishment or food service operation for 44047
which it is issued continues to meet the requirements described in 44048
divisions (I)(1) to (6) of this section. No quota restrictions 44049
shall be placed on the number of D-5i permits that may be issued. 44050
The fee for the D-5i permit is two thousand three hundred 44051
forty-four dollars. 44052

(J) Permit D-5j may be issued to the owner or the operator of 44053
a retail food establishment or a food service operation licensed 44054
under Chapter 3717. of the Revised Code to sell beer and 44055
intoxicating liquor at retail, only by the individual drink in 44056
glass and from the container, for consumption on the premises 44057
where sold and to sell beer and intoxicating liquor in the same 44058
manner and amounts not for consumption on the premises where sold 44059
as may be sold by the holders of D-1 and D-2 permits. The holder 44060
of a D-5j permit may exercise the same privileges, and shall 44061
observe the same hours of operation, as the holder of a D-5 44062
permit. 44063

The D-5j permit shall be issued only within a community 44064
entertainment district that is designated under section 4301.80 of 44065
the Revised Code. The permit shall not be issued to a community 44066
entertainment district that is designated under divisions (B) and 44067
(C) of section 4301.80 of the Revised Code if the district does 44068
not meet one of the following qualifications: 44069

(1) It is located in a municipal corporation with a 44070

population of at least one hundred thousand. 44071

(2) It is located in a municipal corporation with a 44072
population of at least twenty thousand, and either of the 44073
following applies: 44074

(a) It contains an amusement park the rides of which have 44075
been issued a permit by the department of agriculture under 44076
Chapter 1711. of the Revised Code. 44077

(b) Not less than fifty million dollars will be invested in 44078
development and construction in the community entertainment 44079
district's area located in the municipal corporation. 44080

(3) It is located in a township with a population of at least 44081
forty thousand. 44082

(4) It is located in a township with a population of at least 44083
twenty thousand, and not less than seventy million dollars will be 44084
invested in development and construction in the community 44085
entertainment district's area located in the township. 44086

(5) It is located in a municipal corporation with a 44087
population between seven thousand and twenty thousand, and both of 44088
the following apply: 44089

(a) The municipal corporation was incorporated as a village 44090
prior to calendar year 1880 and currently has a historic downtown 44091
business district. 44092

(b) The municipal corporation is located in the same county 44093
as another municipal corporation with at least one community 44094
entertainment district. 44095

(6) It is located in a municipal corporation with a 44096
population of at least ten thousand, and not less than seventy 44097
million dollars will be invested in development and construction 44098
in the community entertainment district's area located in the 44099
municipal corporation. 44100

(7) It is located in a municipal corporation with a 44101
population of at least three thousand, and not less than one 44102
hundred fifty million dollars will be invested in development and 44103
construction in the community entertainment district's area 44104
located in the municipal corporation. 44105

The location of a D-5j permit may be transferred only within 44106
the geographic boundaries of the community entertainment district 44107
in which it was issued and shall not be transferred outside the 44108
geographic boundaries of that district. 44109

Not more than one D-5j permit shall be issued within each 44110
community entertainment district for each five acres of land 44111
located within the district. Not more than fifteen D-5j permits 44112
may be issued within a single community entertainment district. 44113
Except as otherwise provided in division (J)(4) of this section, 44114
no quota restrictions shall be placed upon the number of D-5j 44115
permits that may be issued. 44116

The fee for a D-5j permit is two thousand three hundred 44117
forty-four dollars. 44118

(K)(1) Permit D-5k may be issued to any nonprofit 44119
organization that is exempt from federal income taxation under the 44120
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 44121
501(c)(3), as amended, that is the owner or operator of a 44122
botanical garden recognized by the American association of 44123
botanical gardens and arboreta, and that has not less than 44124
twenty-five hundred bona fide members. 44125

(2) The holder of a D-5k permit may sell beer and any 44126
intoxicating liquor at retail, only by the individual drink in 44127
glass and from the container, on the premises where sold. 44128

(3) The holder of a D-5k permit shall sell no beer or 44129
intoxicating liquor for consumption on the premises where sold 44130
after one a.m. 44131

- (4) A D-5k permit shall not be transferred to another location. 44132
44133
- (5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 44134
44135
- (6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 44136
44137
- (L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 44138
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- (2) The D-5l permit shall be issued only to a premises to which all of the following apply: 44149
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- (a) The premises has gross annual receipts from the sale of food and meals that constitute not less than seventy-five per cent of its total gross annual receipts. 44151
44152
44153
- (b) The premises is located within a revitalization district that is designated under section 4301.81 of the Revised Code. 44154
44155
- (c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 44156
44157
44158
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44160
- (d) The premises meets any of the following qualifications: 44161

(i) It is located in a county with a population of one 44162
hundred twenty-five thousand or less according to the population 44163
estimates certified by the development services agency for 44164
calendar year 2006. 44165

(ii) It is located in the municipal corporation that has the 44166
largest population in a county when the county has a population 44167
between two hundred fifteen thousand and two hundred twenty-five 44168
thousand according to the population estimates certified by the 44169
development services agency for calendar year 2006. Division 44170
(L)(2)(d)(ii) of this section applies only to a municipal 44171
corporation that is wholly located in a county. 44172

(iii) It is located in the municipal corporation that has the 44173
largest population in a county when the county has a population 44174
between one hundred forty thousand and one hundred forty-one 44175
thousand according to the population estimates certified by the 44176
development services agency for calendar year 2006. Division 44177
(L)(2)(d)(iii) of this section applies only to a municipal 44178
corporation that is wholly located in a county. 44179

(iv) It is located in a township with a population density of 44180
less than four hundred fifty people per square mile. For purposes 44181
of division (L)(2)(d)(iv) of this section, the population of a 44182
township is considered to be the population shown by the most 44183
recent regular federal decennial census. 44184

(v) It is located in a municipal corporation that is wholly 44185
located within the geographic boundaries of a township, provided 44186
that the municipal corporation and the unincorporated portion of 44187
the township have a combined population density of less than four 44188
hundred fifty people per square mile. For purposes of division 44189
(L)(2)(d)(v) of this section, the population of a municipal 44190
corporation and unincorporated portion of a township is the 44191
population shown by the most recent federal decennial census. 44192

(vi) It is located in a county with a population of not less than one hundred seventy-two thousand and not more than one hundred ninety-five thousand. For purposes of division (L)(2)(d)(vi) of this section, the population of a county is the population shown by the most recent decennial census.

(vii) It is located in a municipal corporation with a population of less than ten thousand and the municipal corporation is located in a county with a population of more than one million. For purposes of division (L)(2)(d)(vii) of this section, the population of a municipal corporation and a county is the population shown by the most recent decennial census.

(3) The location of a D-51 permit may be transferred only within the geographic boundaries of the revitalization district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

(4) Not more than one D-51 permit shall be issued within each revitalization district for each five acres of land located within the district. Not more than fifteen D-51 permits may be issued within a single revitalization district. Except as otherwise provided in division (L)(4) of this section, no quota restrictions shall be placed upon the number of D-51 permits that may be issued.

(5) No D-51 permit shall be issued to an adult entertainment establishment as defined in section 2907.39 of the Revised Code.

(6) The fee for a D-51 permit is two thousand three hundred forty-four dollars.

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals

as defined in section 4301.404 of the Revised Code, to sell beer 44224
and any intoxicating liquor at retail, only by the glass and from 44225
the container, for consumption on the premises where sold, and to 44226
sell the same products in the same manner and amounts not for 44227
consumption on the premises as may be sold by the holders of D-1 44228
and D-2 permits. In addition to the privileges authorized by this 44229
division, the holder of a D-5m permit may exercise the same 44230
privileges as the holder of a D-5 permit. 44231

A D-5m permit shall not be transferred to another location. 44232
No quota restrictions shall be placed on the number of D-5m 44233
permits that may be issued. The fee for a permit D-5m is two 44234
thousand three hundred forty-four dollars. 44235

(N) Permit D-5n shall be issued to either a casino operator 44236
or a casino management company licensed under Chapter 3772. of the 44237
Revised Code that operates a casino facility under that chapter, 44238
to sell beer and any intoxicating liquor at retail, only by the 44239
individual drink in glass and from the container, for consumption 44240
on the premises where sold, and to sell the same products in the 44241
same manner and amounts not for consumption on the premises as may 44242
be sold by the holders of D-1 and D-2 permits. In addition to the 44243
privileges authorized by this division, the holder of a D-5n 44244
permit may exercise the same privileges as the holder of a D-5 44245
permit. A D-5n permit shall not be transferred to another 44246
location. Only one D-5n permit may be issued per casino facility 44247
and not more than four D-5n permits shall be issued in this state. 44248
The fee for a permit D-5n shall be twenty thousand dollars. The 44249
holder of a D-5n permit may conduct casino gaming on the permit 44250
premises notwithstanding any provision of the Revised Code or 44251
Administrative Code. 44252

(O) Permit D-5o may be issued to the owner or operator of a 44253
retail food establishment or a food service operation licensed 44254
under Chapter 3717. of the Revised Code that operates as a 44255

restaurant for purposes of this chapter and that is located within 44256
a casino facility for which a D-5n permit has been issued. The 44257
holder of a D-5o permit may sell beer and any intoxicating liquor 44258
at retail, only by the individual drink in glass and from the 44259
container, for consumption on the premises where sold, and may 44260
sell the same products in the same manner and amounts not for 44261
consumption on the premises where sold as may be sold by the 44262
holders of D-1 and D-2 permits. In addition to the privileges 44263
authorized by this division, the holder of a D-5o permit may 44264
exercise the same privileges as the holder of a D-5 permit. A D-5o 44265
permit shall not be transferred to another location. No quota 44266
restrictions shall be placed on the number of such permits that 44267
may be issued. The fee for this permit is two thousand three 44268
hundred forty-four dollars. 44269

Sec. 4303.2010. (A) As used in this section: 44270

(1) "Farmers market" means a farmers market registered with 44271
the director of agriculture under section 3717.221 of the Revised 44272
Code. "Farmers market" does not include a for-profit farmers 44273
market, a farmers market located at a rest area within the limits 44274
of the right-of-way of an interstate highway, a farmers market 44275
located at a service facility as defined in Chapter 5537. of the 44276
Revised Code that is along the Ohio turnpike, or a farmers market 44277
with fewer than five farmers market participants. 44278

(2) "A-2 permit holder" means an A-2 or A-2f permit holder 44279
that produces less than two hundred and fifty thousand gallons of 44280
wine per year. 44281

(B) The division of liquor control may issue an F-10 permit 44282
to a person who organizes a farmers market. Pursuant to the 44283
permit, the F-10 permit holder may allow a farmers market 44284
participant that is an A-2 permit holder or S permit holder to do 44285
the following at the location of the farmers market: 44286

(1) Sell tasting samples of wine manufactured by the A-2 permit holder or S permit holder for consumption on the premises where the farmers market is located;

(2) Sell wine manufactured by the A-2 permit holder or S permit holder in sealed containers for consumption off the premises where the farmers market is located.

(C) An applicant for an F-10 permit shall submit an application for the permit to the division of liquor control. The application shall include the location of the farmers market that is the subject of the application.

(D) The premises of the farmers market for which the F-10 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-10 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-10 permit is in effect. However, an F-10 permit and an F-11 permit may be valid concurrently if both permits are issued to the same person.

(E) No A-2 permit holder or S permit holder shall do any of the following at a farmers market for which an F-10 permit has been issued:

(1) Sell a tasting sample in an amount that exceeds one ounce;

(2) Sell more than one sample of each wine offered for sale to any one person;

(3) Sell more than five varieties of wine as tasting samples per day;

(4) Sell a variety of wine that is offered for distribution

by a wholesale distributor in any state. Division (E)(4) of this section does not apply to a variety of wine solely distributed by the A-2 permit holder or S permit holder.

(5) Sell more than four and one-half liters of wine per household for off-premises consumption under division (B)(2) of this section;

(6) Allow any person other than the A-2 permit holder or S permit holder, a member of the applicable permit holder's family, or an employee of the applicable permit holder to sell wine.

(F) The F-10 permit is effective for nine months. The permit is not renewable. However, a person who organizes a farmers market may re-apply for a new permit. The fee for the F-10 permit is one hundred dollars.

(G) An A-2 permit holder or S permit holder shall not conduct the activities described in division (B) of this section unless the sale of wine for consumption on the premises and the sale of wine for consumption off the premises is authorized in the election precinct in which the farmers market that is the subject of the F-10 permit is located.

(H) No F-10 permit holder shall allow more than four A-2 permit holders, four S permit holders, or a combination of four A-2 permit holders and S permit holders per day to conduct the activities described in division (B) of this section on the premises of the applicable farmers market.

Sec. 4303.2011. (A) As used in this section:

(1) "Farmers market" has the same meaning as in section 4303.2010 of the Revised Code.

(2) "Brewer" means an S permit holder that produces not more than thirty-one million gallons of beer in a calendar year or an A-1c permit holder.

(B) The division of liquor control may issue an F-11 permit to a person who organizes a farmers market. Pursuant to the permit, the F-11 permit holder may allow a farmers market participant that is a brewer to do the following at the location of the farmers market:

(1) Sell tasting samples of beer manufactured by the brewer for consumption on the premises where the farmers market is located;

(2) Sell beer manufactured by the brewer in sealed containers for consumption off the premises where the farmers market is located.

(C) An applicant for an F-11 permit shall submit an application for the permit to the division of liquor control. The application shall include the location of the farmers market that is the subject of the application.

(D) The premises of the farmers market for which the F-11 permit is issued shall be clearly defined and sufficiently restricted to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-11 permit is in effect. However, an F-11 permit and an F-10 permit may be valid concurrently if both permits are issued to the same person.

(E) No brewer shall do any of the following at a farmers market for which an F-11 permit has been issued:

(1) Sell a tasting sample in an amount that exceeds one ounce;

(2) Sell more than one sample of each beer offered for sale to any one person;

<u>(3) Sell more than five varieties of beer as tasting samples</u>	44378
<u>per day;</u>	44379
<u>(4) Sell a variety of beer that the brewer is prohibited from</u>	44380
<u>selling under a contract with a wholesale distributor;</u>	44381
<u>(5) Sell more than two hundred sixteen ounces of beer per</u>	44382
<u>household for off-premises consumption under division (B)(2) of</u>	44383
<u>this section;</u>	44384
<u>(6) Allow any person other than the brewer, a member of the</u>	44385
<u>applicable brewer's family, or an employee of the brewer to sell</u>	44386
<u>beer.</u>	44387
<u>(F) The F-11 permit is effective for nine months. The permit</u>	44388
<u>is not renewable. However, a person who organizes a farmers market</u>	44389
<u>may reapply for a new permit. The fee for the F-11 permit is one</u>	44390
<u>hundred dollars.</u>	44391
<u>(G) A brewer shall not conduct the activities described in</u>	44392
<u>division (B) of this section unless the sale of beer for</u>	44393
<u>consumption on the premises and the sale of beer for consumption</u>	44394
<u>off the premises is authorized in the election precinct in which</u>	44395
<u>the farmers market that is the subject of the F-11 permit is</u>	44396
<u>located.</u>	44397
<u>(H) No F-11 permit holder shall allow more than four brewers</u>	44398
<u>per day to conduct the activities described in division (B) of</u>	44399
<u>this section on the premises of the applicable farmers market.</u>	44400
Sec. 4313.02. (A) The state may transfer to JobsOhio, and	44401
JobsOhio may accept the transfer of, all or a portion of the	44402
enterprise acquisition project for a transfer price payable by	44403
JobsOhio to the state. Any such transfer shall be treated as an	44404
absolute conveyance and true sale of the interest in the	44405
enterprise acquisition project purported to be conveyed for all	44406
purposes, and not as a pledge or other security interest. The	44407

characterization of any such transfer as a true sale and absolute 44408
conveyance shall not be negated or adversely affected by the 44409
acquisition or retention by the state of a residual or 44410
reversionary interest in the enterprise acquisition project, the 44411
participation of any state officer or employee as a member or 44412
officer of, or contracting for staff support to, JobsOhio or any 44413
subsidiary of JobsOhio, any regulatory responsibility of an 44414
officer or employee of the state, including the authority to 44415
collect amounts to be received in connection therewith, the 44416
retention of the state of any legal title to or interest in any 44417
portion of the enterprise acquisition project for the purpose of 44418
regulatory activities, or any characterization of JobsOhio or 44419
obligations of JobsOhio under accounting, taxation, or securities 44420
regulations, or any other reason whatsoever. An absolute 44421
conveyance and true sale or lease shall exist under this section 44422
regardless of whether JobsOhio has any recourse against the state 44423
or the treatment or characterization of the transfer as a 44424
financing for any purpose. Upon and following the transfer, the 44425
state shall not have any right, title, or interest in the 44426
enterprise acquisition project so transferred other than any 44427
residual interest that may be described in the transfer agreement 44428
pursuant to the following paragraph and division (D) of this 44429
section. Any determination of the fair market value of the 44430
enterprise acquisition project reflected in the transfer agreement 44431
shall be conclusive and binding on the state and JobsOhio. 44432

Any transfer of the enterprise acquisition project that is a 44433
lease or grant of a franchise shall be for a term not to exceed 44434
twenty-five years. Any transfer of the enterprise acquisition 44435
project that is an assignment and sale, conveyance, or other 44436
transfer shall contain a provision that the state shall have the 44437
option to have conveyed or transferred back to it, at no cost, the 44438
enterprise acquisition project, as it then exists, no later than 44439

twenty-five years after the original transfer authorized in the 44440
transfer agreement on such other terms as shall be provided in the 44441
transfer agreement. 44442

The exercise of the powers granted by this section will be 44443
for the benefit of the people of the state. All or any portion of 44444
the enterprise acquisition project transferred pursuant to the 44445
transfer agreement that would be exempt from real property taxes 44446
or assessments or real property taxes or assessments in the 44447
absence of such transfer shall, as it may from time to time exist 44448
thereafter, remain exempt from real property taxes or assessments 44449
levied by the state and its subdivisions to the same extent as if 44450
not transferred. The gross receipts and income of JobsOhio derived 44451
from the enterprise acquisition project shall be exempt from 44452
taxation levied by the state and its subdivisions, including, but 44453
not limited to, the taxes levied pursuant to Chapters 718., 5739., 44454
5741., 5747., and 5751. of the Revised Code. Any transfer from the 44455
state to JobsOhio of the enterprise acquisition project, or item 44456
included or to be included in the project, shall be exempt from 44457
the taxes levied pursuant to Chapters 5739. and 5741. of the 44458
Revised Code. 44459

(B) The proceeds of any transfer under division (A) of this 44460
section may be expended as provided in the transfer agreement for 44461
any one or more of the following purposes: 44462

(1) Funding, payment, or defeasance of outstanding bonds 44463
issued pursuant to Chapters 151. and 166. of the Revised Code and 44464
secured by pledged liquor profits as defined in section 151.40 of 44465
the Revised Code; 44466

(2) Deposit into the general revenue fund; 44467

(3) Deposit into the clean Ohio revitalization fund created 44468
pursuant to section 122.658 of the Revised Code, the innovation 44469
Ohio loan fund created pursuant to section 166.16 of the Revised 44470

Code, the research and development loan fund created pursuant to 44471
section 166.20 of the Revised Code, and the logistics and 44472
distribution infrastructure fund created pursuant to section 44473
166.26 of the Revised Code, ~~the advanced energy research and~~ 44474
~~development fund created pursuant to section 3706.27 of the~~ 44475
~~Revised Code, and the advanced energy research and development~~ 44476
~~taxable fund created pursuant to section 3706.27 of the Revised~~ 44477
~~Code;~~ 44478

(4) Conveyance to JobsOhio for the purposes for which it was 44479
created. 44480

(C)(1) The state may covenant, pledge, and agree in the 44481
transfer agreement, with and for the benefit of JobsOhio, that it 44482
shall maintain statutory authority for the enterprise acquisition 44483
project and the revenues of the enterprise acquisition project and 44484
not otherwise materially impair any obligations supported by a 44485
pledge of revenues of the enterprise acquisition project. The 44486
transfer agreement may provide or authorize the manner for 44487
determining material impairment of the security for any such 44488
outstanding obligations, including by assessing and evaluating the 44489
revenues of the enterprise acquisition project. 44490

(2) The director of budget and management, in consultation 44491
with the director of commerce, may, without need for any other 44492
approval, negotiate terms of any documents, including the transfer 44493
agreement, necessary to effect the transfer and the acceptance of 44494
the transfer of the enterprise acquisition project. The director 44495
of budget and management and the director of commerce shall 44496
execute the transfer agreement on behalf of the state. The 44497
director of budget and management may also, without need for any 44498
other approval, retain or contract for the services of commercial 44499
appraisers, underwriters, investment bankers, and financial 44500
advisers, as are necessary in the judgment of the director of 44501
budget and management to effect the transfer agreement. Any 44502

transfer agreement may contain terms and conditions established by 44503
the state to carry out and effectuate the purposes of this 44504
section, including, without limitation, covenants binding the 44505
state in favor of JobsOhio. Any such transfer agreement shall be 44506
sufficient to effectuate the transfer without regard to any other 44507
laws governing other property sales or financial transactions by 44508
the state. The director of budget and management may create any 44509
funds or accounts, within or without the state treasury, as are 44510
needed for the transactions and activities authorized by this 44511
section. 44512

(3) The transfer agreement may authorize JobsOhio, in the 44513
ordinary course of doing business, to convey, lease, release, or 44514
otherwise dispose of any regular inventory or tangible personal 44515
property. Ownership of the interest in the enterprise acquisition 44516
project that is transferred to JobsOhio under this section and the 44517
transfer agreement shall be maintained in JobsOhio or a nonprofit 44518
entity the sole member of which is JobsOhio until the enterprise 44519
acquisition project is transferred back to the state pursuant to 44520
the second paragraph of division (A) and division (D) of this 44521
section. 44522

(D) The transfer agreement may authorize JobsOhio to fix, 44523
alter, and collect rentals and other charges for the use and 44524
occupancy of all or any portion of the enterprise acquisition 44525
project and to lease any portion of the enterprise acquisition 44526
project to the state, and shall include a contract with, or the 44527
granting of an option to, the state to have the enterprise 44528
acquisition project, as it then exists, transferred back to it 44529
without charge in accordance with the terms of the transfer 44530
agreement after retirement or redemption, or provision therefor, 44531
of all obligations supported by a pledge of spirituous liquor 44532
profits. 44533

(E) JobsOhio, the director of budget and management, and the 44534

director of commerce shall, subject to approval by the controlling 44535
board, enter into a contract, which may be part of the transfer 44536
agreement, for the continuing operation by the division of liquor 44537
control of spirituous liquor distribution and merchandising 44538
subject to standards for performance provided in that contract 44539
that may relate to or support division (C)(1) of this section. The 44540
contract shall establish other terms and conditions for the 44541
assignment of duties to, and the provision of advice, services, 44542
and other assistance by, the division of liquor control, including 44543
providing for the necessary staffing and payment by JobsOhio of 44544
appropriate compensation to the division for the performance of 44545
such duties and the provision of such advice, services, and other 44546
assistance. The division of liquor control shall manage and 44547
actively supervise the activities required or authorized under 44548
sections 4301.10 and 4301.17 of the Revised Code as those sections 44549
exist on September 29, 2011, including, but not limited to, 44550
controlling the traffic in intoxicating liquor in this state and 44551
fixing the wholesale and retail prices at which the various 44552
classes, varieties, and brands of spirituous liquor are sold. 44553

(F) The transfer agreement shall require JobsOhio to pay for 44554
the operations of the division of liquor control with regard to 44555
the spirituous liquor merchandising operations of the division. 44556
The payments from JobsOhio shall be deposited into the state 44557
treasury to the credit of the liquor operating services fund, 44558
which is hereby created in the state treasury. The fund shall be 44559
used to pay for the operations of the division specified in this 44560
division. 44561

(G) The transaction and transfer provided for under this 44562
section shall comply with all applicable provisions of the Ohio 44563
Constitution. 44564

Sec. 4501.10. (A) Except as provided in division (B) of this 44565

section, money received by the department of public safety from 44566
the sale of motor vehicles and related equipment pursuant to 44567
section 125.13 of the Revised Code shall be transferred to the 44568
public safety - highway purposes fund created in section 4501.06 44569
of the Revised Code. The money shall be used only to purchase 44570
replacement motor vehicles and related equipment. 44571

(B) Money received by the department of public safety 44572
investigative unit established under section 5502.13 of the 44573
Revised Code from the sale of motor vehicles and other equipment 44574
pursuant to section 125.13 of the Revised Code shall be deposited 44575
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 44576
~~exchange fund, which is hereby~~ created in ~~the state treasury~~ 44577
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 44578
be used only to purchase replacement motor vehicles and other 44579
equipment for that unit. 44580

Sec. 4501.24. There is hereby created in the state treasury 44581
the scenic rivers protection fund. The fund shall consist of the 44582
donations to the fund received by the department of natural 44583
resources and the contributions not to exceed forty dollars that 44584
are paid to the registrar of motor vehicles by applicants who 44585
voluntarily choose to obtain scenic rivers license plates pursuant 44586
to section 4503.56 of the Revised Code. 44587

The contributions deposited in the fund shall be used by the 44588
department ~~of natural resources~~ to help finance wild, scenic, and 44589
recreational river areas conservation, education, corridor 44590
protection, restoration, and habitat enhancement and clean-up 44591
projects along rivers in those areas. The chief of the division of 44592
parks and watercraft in the department may expend money in the 44593
fund for the acquisition of wild, scenic, and recreational river 44594
areas, for the maintenance, protection, and administration of such 44595
areas, and for construction of facilities within those areas. All 44596

investment earnings of the fund shall be credited to the fund. 44597

As used in this section, "wild river areas," "scenic river 44598
areas," and "recreational river areas" have the same meanings as 44599
in section 1546.01 of the Revised Code. 44600

Sec. 4503.515. (A) The owner or lessee of any passenger car, 44601
noncommercial motor vehicle, recreational vehicle, or other 44602
vehicle of a class approved by the registrar of motor vehicles may 44603
apply to the registrar for the registration of the vehicle and 44604
issuance of "Ohio geology" license plates. The application may be 44605
combined with a request for a special reserved license plate under 44606
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 44607
the completed application and compliance by the applicant with 44608
divisions (B) and (C) of this section, the registrar shall issue 44609
to the applicant the appropriate vehicle registration and a set of 44610
"Ohio geology" license plates and a validation sticker, or a 44611
validation sticker alone when required by section 4503.191 of the 44612
Revised Code. 44613

In addition to the letters and numbers ordinarily inscribed 44614
on the license plates, "Ohio geology" license plates shall bear an 44615
appropriate logo and words selected by the director of natural 44616
resources and approved by the registrar. "Ohio geology" license 44617
plates shall display county identification stickers that identify 44618
the county of registration as required under section 4503.19 of 44619
the Revised Code. 44620

(B) "Ohio geology" license plates and a validation sticker, 44621
or validation sticker alone, shall be issued upon receipt of an 44622
application for registration of a motor vehicle under this 44623
section; payment of the regular license tax as prescribed under 44624
section 4503.04 of the Revised Code, any applicable motor vehicle 44625
license tax levied under Chapter 4504. of the Revised Code, any 44626
applicable additional fee prescribed by section 4503.40 or 4503.42 44627

of the Revised Code, an additional fee of ten dollars, and a 44628
contribution as provided in division (C) of this section; and 44629
compliance with all other applicable laws relating to the 44630
registration of motor vehicles. 44631

(C) For each application for registration and registration 44632
renewal notice the registrar receives under this section, the 44633
registrar shall collect a contribution of fifteen dollars. The 44634
registrar shall transmit this contribution to the treasurer of 44635
state for deposit into the state treasury to the credit of the 44636
~~"Ohio geology" license plate~~ geological mapping fund created by 44637
section ~~1505.13~~ 1505.09 of the Revised Code. 44638

The registrar shall transmit the additional fee of ten 44639
dollars, the purpose of which is to compensate the bureau of motor 44640
vehicles for the additional services required in the issuing of 44641
"Ohio geology" license plates, to the treasurer of state for 44642
deposit into the state treasury to the credit of the public safety 44643
- highway purposes fund created by section 4501.06 of the Revised 44644
Code. 44645

Sec. 4505.11. This section shall also apply to all-purpose 44646
vehicles and off-highway motorcycles as defined in section 4519.01 44647
of the Revised Code. 44648

(A) Each owner of a motor vehicle and each person mentioned 44649
as owner in the last certificate of title, when the motor vehicle 44650
is dismantled, destroyed, or changed in such manner that it loses 44651
its character as a motor vehicle, or changed in such manner that 44652
it is not the motor vehicle described in the certificate of title, 44653
shall surrender the certificate of title to that motor vehicle to 44654
a clerk of a court of common pleas, and the clerk, with the 44655
consent of any holders of any liens noted on the certificate of 44656
title, then shall enter a cancellation upon the clerk's records 44657
and shall notify the registrar of motor vehicles of the 44658

cancellation. 44659

Upon the cancellation of a certificate of title in the manner 44660
prescribed by this section, any clerk and the registrar of motor 44661
vehicles may cancel and destroy all certificates and all 44662
memorandum certificates in that chain of title. 44663

(B)(1) If an Ohio certificate of title or salvage certificate 44664
of title to a motor vehicle is assigned to a salvage dealer, the 44665
dealer is not required to obtain an Ohio certificate of title or a 44666
salvage certificate of title to the motor vehicle in the dealer's 44667
own name if the dealer dismantles or destroys the motor vehicle, 44668
indicates the number of the dealer's motor vehicle salvage 44669
dealer's license on it, marks "FOR DESTRUCTION" across the face of 44670
the certificate of title or salvage certificate of title, and 44671
surrenders the certificate of title or salvage certificate of 44672
title to a clerk of a court of common pleas as provided in 44673
division (A) of this section. If the salvage dealer retains the 44674
motor vehicle for resale, the dealer shall make application for a 44675
salvage certificate of title to the motor vehicle in the dealer's 44676
own name as provided in division (C)(1) of this section. 44677

(2) At the time any salvage motor vehicle is sold at auction 44678
or through a pool, the salvage motor vehicle auction or salvage 44679
motor vehicle pool shall give a copy of the salvage certificate of 44680
title or a copy of the certificate of title marked "FOR 44681
DESTRUCTION" to the purchaser. 44682

(C)(1) When an insurance company declares it economically 44683
impractical to repair such a motor vehicle and has paid an agreed 44684
price for the purchase of the motor vehicle to any insured or 44685
claimant owner, the insurance company shall proceed as follows: 44686

(a) If an insurance company receives the certificate of title 44687
and the motor vehicle, within thirty business days, the insurance 44688
company shall deliver the certificate of title to a clerk of a 44689

court of common pleas and shall make application for a salvage certificate of title. This certificate of title, any supporting power of attorney, or application for a salvage certificate of title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(b) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was issued for the vehicle but the insurance company is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title from the insurance company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, to obtain the certificate of title.

(c) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was not issued for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering a certificate of title for the motor vehicle. The application shall be accompanied by the electronic certificate of title control number and a properly executed power of attorney, or other appropriate document, from the owner of the motor vehicle authorizing the insurance company to apply for a salvage certificate of title. The application for a salvage certificate of

title, any supporting power of attorney, and any other appropriate document shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(d) Upon receipt of a properly completed application for a salvage certificate of title as described in division (C)(1)(a), (b), or (c) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the original certificate of title. The salvage certificate of title shall include the following notice in bold lettering:

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01."

Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title.

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the

certificate of title for the motor vehicle. The application shall 44754
be accompanied by a copy of the written request that the vehicle 44755
be removed from the facility on the salvage motor vehicle 44756
auction's letterhead, and proof that the request was delivered by 44757
a nationally recognized courier service to the last known address 44758
of the owner of the vehicle and any known lienholder, requesting 44759
that the vehicle be removed from the facility of the salvage motor 44760
vehicle auction. Upon receipt of a properly completed application, 44761
the clerk shall follow the process as described in division 44762
(C)(1)(d) of this section. The salvage certificate of title so 44763
issued shall be free and clear of all liens. 44764

(3) If an insurance company considers a motor vehicle as 44765
described in division (C)(1)(a), (b), or (c) of this section to be 44766
impossible to restore for highway operation, the insurance company 44767
may assign the certificate of title to the motor vehicle to a 44768
salvage dealer or scrap metal processing facility and send the 44769
assigned certificate of title to the clerk of the court of common 44770
pleas of any county. The insurance company shall mark the face of 44771
the certificate of title "FOR DESTRUCTION" and shall deliver a 44772
photocopy of the certificate of title to the salvage dealer or 44773
scrap metal processing facility for its records. 44774

(4) If an insurance company declares it economically 44775
impractical to repair a motor vehicle, agrees to pay to the 44776
insured or claimant owner an amount in settlement of a claim 44777
against a policy of motor vehicle insurance covering the motor 44778
vehicle, and agrees to permit the insured or claimant owner to 44779
retain possession of the motor vehicle, the insurance company 44780
shall not pay the insured or claimant owner any amount in 44781
settlement of the insurance claim until the owner obtains a 44782
salvage certificate of title to the vehicle and furnishes a copy 44783
of the salvage certificate of title to the insurance company. 44784

(D) When a self-insured organization, rental or leasing 44785

company, or secured creditor becomes the owner of a motor vehicle 44786
that is burned, damaged, or dismantled and is determined to be 44787
economically impractical to repair, the self-insured organization, 44788
rental or leasing company, or secured creditor shall do one of the 44789
following: 44790

(1) Mark the face of the certificate of title to the motor 44791
vehicle "FOR DESTRUCTION" and surrender the certificate of title 44792
to a clerk of a court of common pleas for cancellation as 44793
described in division (A) of this section. The self-insured 44794
organization, rental or leasing company, or secured creditor then 44795
shall deliver the motor vehicle, together with a photocopy of the 44796
certificate of title, to a salvage dealer or scrap metal 44797
processing facility and shall cause the motor vehicle to be 44798
dismantled, flattened, crushed, or destroyed. 44799

(2) Obtain a salvage certificate of title to the motor 44800
vehicle in the name of the self-insured organization, rental or 44801
leasing company, or secured creditor, as provided in division 44802
(C)(1) of this section, and then sell or otherwise dispose of the 44803
motor vehicle. If the motor vehicle is sold, the self-insured 44804
organization, rental or leasing company, or secured creditor shall 44805
obtain a salvage certificate of title to the motor vehicle in the 44806
name of the purchaser from a clerk of a court of common pleas. 44807

(E) If a motor vehicle titled with a salvage certificate of 44808
title is restored for operation upon the highways, application 44809
shall be made to a clerk of a court of common pleas for a 44810
certificate of title. Upon inspection by the state highway patrol, 44811
which shall include establishing proof of ownership and an 44812
inspection of the motor number and vehicle identification number 44813
of the motor vehicle and of documentation or receipts for the 44814
materials used in restoration by the owner of the motor vehicle 44815
being inspected, which documentation or receipts shall be 44816
presented at the time of inspection, the clerk, upon surrender of 44817

the salvage certificate of title, shall issue a certificate of 44818
title for a fee prescribed by the registrar. The certificate of 44819
title shall be in the same form as the original certificate of 44820
title and shall bear the words "REBUILT SALVAGE" in black boldface 44821
letters on its face. Every subsequent certificate of title, 44822
memorandum certificate of title, or duplicate certificate of title 44823
issued for the motor vehicle also shall bear the words "REBUILT 44824
SALVAGE" in black boldface letters on its face. The exact location 44825
on the face of the certificate of title of the words "REBUILT 44826
SALVAGE" shall be determined by the registrar, who shall develop 44827
an automated procedure within the automated title processing 44828
system to comply with this division. The clerk shall use 44829
reasonable care in performing the duties imposed on the clerk by 44830
this division in issuing a certificate of title pursuant to this 44831
division, but the clerk is not liable for any of the clerk's 44832
errors or omissions or those of the clerk's deputies, or the 44833
automated title processing system in the performance of those 44834
duties. A fee of fifty dollars shall be assessed by the state 44835
highway patrol for each inspection made pursuant to this division 44836
and shall be deposited into the public safety - highway purposes 44837
fund established by section 4501.06 of the Revised Code. 44838

(F) No person shall operate upon the highways in this state a 44839
motor vehicle, title to which is evidenced by a salvage 44840
certificate of title, except to deliver the motor vehicle pursuant 44841
to an appointment for an inspection under this section. 44842

(G) No motor vehicle the certificate of title to which has 44843
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 44844
court of common pleas shall be used for anything except parts and 44845
scrap metal. 44846

(H)(1) Except as otherwise provided in this division, an 44847
owner of a manufactured or mobile home that will be taxed as real 44848
property pursuant to division (B) of section 4503.06 of the 44849

Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of the Revised Code shall surrender the certificate within fifteen days after the home meets the conditions specified in those divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.

(2) If the certificate of title for a manufactured or mobile home that is to be taxed as real property is held by a lienholder, the lienholder shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located, and the auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it. The lienholder shall surrender the certificate within thirty days after both of the following have occurred:

(a) The homeowner has provided written notice to the lienholder requesting that the certificate of title be surrendered to the auditor of the county containing the taxing district in which the home is located.

(b) The homeowner has either paid the lienholder the remaining balance owed to the lienholder, or, with the lienholder's consent, executed and delivered to the lienholder a mortgage on the home and land on which the home is sited in the amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title processing system for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of

section 4503.06 of the Revised Code and that no longer satisfies 44881
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 44882
section, the clerk shall reactivate the record of the certificate 44883
of title that was inactivated under division (H)(3) of this 44884
section and shall issue a new certificate of title, but only if 44885
the application contains or has attached to it all of the 44886
following: 44887

(a) An endorsement of the county treasurer that all real 44888
property taxes charged against the home under Title LVII of the 44889
Revised Code and division (B) of section 4503.06 of the Revised 44890
Code for all preceding tax years have been paid; 44891

(b) An endorsement of the county auditor that the home will 44892
be removed from the real property tax list; 44893

(c) Proof that there are no outstanding mortgages or other 44894
liens on the home or, if there are such mortgages or other liens, 44895
that the mortgagee or lienholder has consented to the reactivation 44896
of the certificate of title. 44897

(I)(1) Whoever violates division (F) of this section shall be 44898
fined not more than two thousand dollars, imprisoned not more than 44899
one year, or both. 44900

(2) Whoever violates division (G) of this section shall be 44901
fined not more than one thousand dollars, imprisoned not more than 44902
six months, or both. 44903

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 44904
of this section, the following shall apply: 44905

(1) No person shall drive a commercial motor vehicle on a 44906
highway in this state unless the person holds, and has in the 44907
person's possession, any of the following: 44908

(a) A valid commercial driver's license with proper 44909
endorsements for the motor vehicle being driven, issued by the 44910

registrar of motor vehicles or by another jurisdiction recognized 44911
by this state; 44912

(b) A valid examiner's commercial driving permit issued under 44913
section 4506.13 of the Revised Code; 44914

(c) A valid restricted commercial driver's license and waiver 44915
for farm-related service industries issued under section 4506.24 44916
of the Revised Code; 44917

(d) A valid commercial driver's license temporary instruction 44918
permit issued by the registrar, provided that the person is 44919
accompanied by an authorized state driver's license examiner or 44920
tester or a person who has been issued and has in the person's 44921
immediate possession a current, valid commercial driver's license 44922
and who meets the requirements of division (B) of section 4506.06 44923
of the Revised Code. 44924

(2) No person's commercial driver's license temporary 44925
instruction permit shall be upgraded, and no commercial driver's 44926
license shall be upgraded, renewed, or issued to a person until 44927
the person surrenders to the registrar of motor vehicles all valid 44928
licenses and permits issued to the person by this state or by 44929
another jurisdiction recognized by this state. If the license or 44930
permit was issued by any other state or another jurisdiction 44931
recognized by this state, the registrar shall report the surrender 44932
of a license or permit to the issuing authority, together with 44933
information that a license or permit is now issued in this state. 44934
The registrar shall destroy any such license or permit that is not 44935
returned to the issuing authority. 44936

(3) No person who has been a resident of this state for 44937
thirty days or longer shall drive a commercial motor vehicle under 44938
the authority of a commercial driver's license issued by another 44939
jurisdiction. 44940

(B) Nothing in division (A) of this section applies to any 44941

qualified person when engaged in the operation of any of the 44942
following: 44943

(1) A farm truck; 44944

(2) Fire equipment for a fire department, volunteer or 44945
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 44946
or the state fire marshal; 44947

(3) A public safety vehicle used to provide transportation or 44948
emergency medical service for ill or injured persons; 44949

(4) A recreational vehicle; 44950

(5) A commercial motor vehicle within the boundaries of an 44951
eligible unit of local government, if the person is employed by 44952
the eligible unit of local government and is operating the 44953
commercial motor vehicle for the purpose of removing snow or ice 44954
from a roadway by plowing, sanding, or salting, but only if either 44955
the employee who holds a commercial driver's license issued under 44956
this chapter and ordinarily operates a commercial motor vehicle 44957
for these purposes is unable to operate the vehicle, or the 44958
employing eligible unit of local government determines that a snow 44959
or ice emergency exists that requires additional assistance; 44960

(6) A vehicle operated for military purposes by any member or 44961
uniformed employee of the armed forces of the United States or 44962
their reserve components, including the Ohio national guard. This 44963
exception does not apply to United States reserve technicians. 44964

(7) A commercial motor vehicle that is operated for 44965
nonbusiness purposes. "Operated for nonbusiness purposes" means 44966
that the commercial motor vehicle is not used in commerce as 44967
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 44968
regulated by the public utilities commission pursuant to Chapter 44969
4905., 4921., or 4923. of the Revised Code. 44970

(8) A motor vehicle that is designed primarily for the 44971

transportation of goods and not persons, while that motor vehicle 44972
is being used for the occasional transportation of personal 44973
property by individuals not for compensation and not in the 44974
furtherance of a commercial enterprise; 44975

(9) A police SWAT team vehicle; 44976

(10) A police vehicle used to transport prisoners. 44977

(C) Nothing contained in division (B)(5) of this section 44978
shall be construed as preempting or superseding any law, rule, or 44979
regulation of this state concerning the safe operation of 44980
commercial motor vehicles. 44981

(D) Whoever violates this section is guilty of a misdemeanor 44982
of the first degree. 44983

Sec. 4509.70. (A) After consultation with the insurance 44984
companies authorized to issue automobile liability or physical 44985
damage policies, or both, in this state, the superintendent of 44986
insurance shall approve a reasonable plan, fair and equitable to 44987
the insurers and to their policyholders, for the apportionment 44988
among such companies of applicants for such policies and for 44989
motor-vehicle liability policies who are in good faith entitled to 44990
but are unable to procure such policies through ordinary methods. 44991
When any such plan has been approved by the superintendent, all 44992
such insurance companies shall subscribe and participate. Any 44993
applicant for such policy, any person insured under such plan of 44994
operation, and any insurance company affected, may appeal to the 44995
superintendent of insurance from any ruling or decision of the 44996
manager or committee designated in the plan to operate ~~such the~~ 44997
assigned risk insurance plan. Any order or act of the 44998
superintendent under this section is subject to review as provided 44999
in sections 119.01 to 119.13, ~~inclusive~~, of the Revised Code, at 45000
the instance of any party in interest. 45001

(B) The plan described in division (A) of this section may 45002
permit the assigned risk insurance plan to directly issue and 45003
process claims arising from such policies described in division 45004
(A) of this section to applicants of private passenger automobile 45005
insurance policies who are in good faith entitled to but are 45006
unable to procure such policies through ordinary methods. 45007

(C) Every form of a policy, endorsement, rider, manual of 45008
classifications, rules, and rates, every rating plan, and every 45009
modification of any of them proposed to be used by the assigned 45010
risk insurance plan shall be filed, or the plan may satisfy its 45011
obligation to make such filings, as described in section 3937.03 45012
of the Revised Code. 45013

(D) Any private passenger automobile insurance policy issued 45014
by the assigned risk insurance plan under division (B) of this 45015
section: 45016

(1) Shall be recognized as if issued by an insurance company 45017
authorized to do business in this state; 45018

(2) Shall meet all requirements of proof of financial 45019
responsibility as described in division (K) of section 4509.01 of 45020
the Revised Code. 45021

(E) Proof of financial responsibility provided by the 45022
assigned risk insurance plan to a private passenger automobile 45023
insurance policyholder that meets the requirements described in 45024
division (G)(1)(a) or (b) of section 4509.101 of the Revised Code 45025
shall be recognized as if issued by an insurance company 45026
authorized to do business in this state to demonstrate proof of 45027
financial responsibility under section 4509.101 of the Revised 45028
Code. 45029

(F) The assigned risk insurance plan designated in division 45030
(A) of this section shall do both of the following: 45031

(1) Make annual audited financial reports available to the 45032

superintendent of insurance promptly upon the completion of such 45033
audit; 45034

(2) Upon reasonable notice, make available to the 45035
superintendent of insurance all books and records relating to the 45036
insurance transactions of the assigned risk insurance plan. 45037

Sec. 4701.16. (A) After notice and hearing as provided in 45038
Chapter 119. of the Revised Code, the accountancy board may 45039
discipline as described in division (B) of this section a person 45040
holding an Ohio permit, an Ohio registration, a firm registration, 45041
a CPA certificate, or a PA registration or any other person whose 45042
activities are regulated by the board for any one or any 45043
combination of the following causes: 45044

(1) Fraud or deceit in obtaining a firm registration or in 45045
obtaining a CPA certificate, a PA registration, an Ohio permit, or 45046
an Ohio registration; 45047

(2) Dishonesty, fraud, or gross negligence in the practice of 45048
public accounting; 45049

(3) Violation of any of the provisions of section 4701.14 of 45050
the Revised Code; 45051

(4) Violation of a rule of professional conduct promulgated 45052
by the board under the authority granted by this chapter; 45053

(5) Conviction of a felony under the laws of any state or of 45054
the United States; 45055

(6) Conviction of any crime, an element of which is 45056
dishonesty or fraud, under the laws of any state or of the United 45057
States; 45058

(7) Cancellation, revocation, suspension, or refusal to renew 45059
authority to practice as a certified public accountant, a public 45060
accountant, or a public accounting firm by any other state, for 45061
any cause other than failure to pay registration fees in that 45062

other state;	45063
(8) Suspension or revocation of the right to practice before any state or federal agency;	45064 45065
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	45066 45067 45068 45069
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	45070 45071 45072
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	45073 45074
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	45075 45076
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	45077 45078 45079
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	45080 45081 45082
(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;	45083 45084 45085
(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.	45086 45087 45088 45089 45090
(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education	45091 45092

programs prescribed by the board in addition to those required by 45093
section 4701.11 of the Revised Code; 45094

(6) In the case of violations of division (A)(2) or (4) of 45095
this section, require the holder of a CPA certificate, PA 45096
registration, or firm registration to submit to a peer review by a 45097
professional committee designated by the board, which committee 45098
shall report to the board concerning that holder's compliance with 45099
generally accepted accounting principles, generally accepted 45100
auditing standards, or other generally accepted technical 45101
standards; 45102

(7) Revoke or suspend the privileges to offer or render 45103
attest services in this state or to use a CPA title or designation 45104
in this state of an individual who holds a foreign certificate. 45105

(C) If the board levies a fine against or suspends the 45106
certificate of a person or registration of a person or firm for a 45107
violation of division (A)(2) or (4) of this section, it may waive 45108
all or any portion of the fine or suspension if the holder of the 45109
CPA certificate, PA registration, or firm registration complies 45110
fully with division (B)(5) or (6) of this section. 45111

(D) A person engaged in the practice of public accounting 45112
shall not be subject to discipline by the accountancy board solely 45113
because the person provided professional accounting services to 45114
the holder of a license under Chapter 3796. of the Revised Code. 45115

Sec. 4705.10. (A) All of the following apply to an 45116
interest-bearing trust account established under authority of 45117
section 4705.09 of the Revised Code: 45118

(1) All funds in the account shall be subject to withdrawal 45119
upon request and without delay, or as soon as is permitted by 45120
federal law; 45121

(2) The rate of interest payable on the account shall not be 45122

less than the rate paid by the depository institution to regular, 45123
nonattorney depositors. Higher rates offered by the institution to 45124
customers whose deposits exceed certain time or quantity 45125
qualifications, such as those offered in the form of certificates 45126
of deposit, may be obtained by a person or law firm establishing 45127
the account if there is no impairment of the right to withdraw or 45128
transfer principal immediately. 45129

(3) The depository institution shall be directed, by the 45130
person or law firm establishing the account, to do all of the 45131
following: 45132

(a) Remit interest or dividends, whichever is applicable, on 45133
the average monthly balance in the account or as otherwise 45134
computed in accordance with the institution's standard accounting 45135
practice, less reasonable service charges, to the treasurer of 45136
state at least quarterly for deposit in the legal aid fund 45137
established under section 120.52 of the Revised Code; 45138

(b) Transmit to the treasurer of state, upon its request, to 45139
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 45140
and the depositing attorney, law firm, or legal professional 45141
association upon the attorney's, firm's, or association's request, 45142
at the time of each remittance required by division (A)(3)(a) of 45143
this section, a statement showing the name of the attorney for 45144
whom or the law firm or legal professional association for which 45145
the remittance is sent, the rate of interest applied, the 45146
accounting period, the net amount remitted to the treasurer of 45147
state for each account, the total remitted, the average account 45148
balance for each month of the period for which the report is made, 45149
and the amount deducted for service charges; 45150

(4) The depository institution shall notify the office of 45151
disciplinary counsel or other entity designated by the supreme 45152
court on each occasion when a properly payable instrument is 45153
presented for payment from the account, and the account contains 45154

insufficient funds. The depository institution shall provide this notice without regard to whether the instrument is honored by the depository institution. The depository institution shall provide the notice described in division (A)(4) of this section by electronic or other means within five banking days of the date that the instrument was honored or returned as dishonored. The notice shall contain all of the following:

(a) The name and address of the depository institution;

(b) The name and address of the lawyer, law firm, or legal professional association that maintains the account;

(c) The account number and either the amount of the overdraft and the date issued or the amount of the dishonored instrument and the date returned.

(B)(1) The statements and reports of individual depositor information made under divisions (A)(3) and (4) of this section are confidential and shall be used only for purposes of administering the legal aid fund and for enforcement of the rules of professional conduct adopted by the supreme court.

(2) A depository institution may charge the lawyer, law firm, or legal professional association that maintains the account with fees associated with producing and mailing a notice required by division (A)(4) of this section but shall not deduct such fees from the interest earned on the account.

Sec. 4713.14. No individual shall do any of the following:

(A) Use fraud or deceit in making application for a license, permit, or registration;

(B) Aid or abet any individual or entity in any of the following:

(1) Violating this chapter or a rule adopted under it;

(2) Obtaining a license, permit, or registration fraudulently;	45184 45185
(3) Falsely pretending to hold a current, valid license or permit.	45186 45187
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	45188 45189 45190
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	45191 45192
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	45193 45194
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	45195 45196
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	45197 45198 45199
(5) A current, valid registration under section 4713.69 of the Revised Code.	45200 45201
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	45202 45203 45204
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	45205 45206
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	45207 45208
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	45209 45210
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised	45211 45212

Code;	45213
(5) A current, valid registration under section 4713.69 of the Revised Code.	45214 45215
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	45216 45217 45218 45219 45220
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	45221 45222
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	45223 45224
(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:	45225 45226 45227 45228
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	45229 45230
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	45231 45232
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	45233 45234 45235 45236
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code;	45237 45238 45239 45240
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	45241 45242

(J) Provide cosmetic therapy or massage therapy at a salon 45243
for pay, free, or otherwise without a current, valid ~~certificate~~ 45244
license issued by the state medical board under section 4731.15 of 45245
the Revised Code or provide any other professional service at a 45246
salon for pay, free, or otherwise without a current, valid license 45247
or certificate issued by the professional regulatory board of this 45248
state that regulates the profession; 45249

(K) Teach a branch of cosmetology at a salon, unless the 45250
individual receiving the instruction holds either of the following 45251
authorizing the practice of that branch of cosmetology: 45252

(1) A current, valid license under section 4713.28, 4713.30, 45253
or 4713.34 of the Revised Code; 45254

(2) A current, valid temporary pre-examination work permit 45255
issued under section 4713.22 of the Revised Code. 45256

(L) Operate a school of cosmetology without a current, valid 45257
license under section 4713.44 of the Revised Code; 45258

(M) At a salon or school of cosmetology, do any of the 45259
following: 45260

(1) Use or possess a cosmetic product containing an 45261
ingredient that the United States food and drug administration has 45262
prohibited by regulation; 45263

(2) Use a cosmetic product in a manner inconsistent with a 45264
restriction established by the United States food and drug 45265
administration by regulation; 45266

(3) Use or possess a liquid nail monomer containing any trace 45267
of methyl methacrylate (MMA). 45268

(N) While in charge of a salon or school of cosmetology, 45269
permit any individual to sleep in, or use for residential 45270
purposes, any room used wholly or in part as the salon or school 45271
of cosmetology; 45272

(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	45273 45274 45275
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	45276 45277 45278
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;	45279 45280 45281
(R) Use any of the services or arts that are part of cosmetology to treat or attempt to cure a physical or mental disease or ailment.	45282 45283 45284
Sec. 4713.16. (A) This chapter does not prohibit any of the following:	45285 45286
(1) Practicing a branch of cosmetology without a license or registration if the individual does so for free at the individual's home for a family member who resides in the same household as the individual;	45287 45288 45289 45290
(2) The retail sale, or trial demonstration by application to the skin for purposes of retail sale, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, or hairpieces without a practicing license or registration;	45291 45292 45293 45294
(3) The retailing, at a salon, of cosmetics, preparations, tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, or any other items that pose no risk of creating unsanitary conditions at the salon;	45295 45296 45297 45298
(4) The provision of glamour photography services at a licensed salon if either of the following is the case:	45299 45300
(a) A branch of cosmetology is not practiced as part of the services.	45301 45302

(b) If a branch of cosmetology is practiced as part of the 45303
services, the part of the services that is a branch of cosmetology 45304
is performed by an individual who holds either of the following 45305
authorizing the individual to practice that branch of cosmetology: 45306

(i) A current, valid license under section 4713.28, 4713.30, 45307
or 4713.34 of the Revised Code; 45308

(ii) A current, valid temporary special occasion work permit 45309
issued under section 4713.37 of the Revised Code. 45310

(5) A student engaging, as a student, in work connected with 45311
a branch of cosmetology taught at the school of cosmetology at 45312
which the student is enrolled; 45313

(6) Practicing a branch of cosmetology without a license or 45314
registration if the individual does so for free for the purpose of 45315
researching or developing a cosmetic as defined in section 3715.01 45316
of the Revised Code. 45317

(B) A student in a career-technical program learning a branch 45318
of cosmetology may continue developing skills in the respective 45319
branch of cosmetology after completing the required coursework or 45320
obtaining a license in the respective branch of cosmetology by 45321
working in the licensed career-technical school clinic if the 45322
student does not receive any compensation. This allowance 45323
terminates upon the graduation of the student from the 45324
career-technical school. 45325

Sec. 4713.17. (A) The following persons are exempt from the 45326
provisions of this chapter, except, as applicable, section 4713.42 45327
of the Revised Code: 45328

(1) All individuals authorized to practice medicine, surgery, 45329
dentistry, and nursing or any of its branches in this state; 45330

(2) Commissioned surgical and medical officers of the United 45331
States army, navy, air force, or marine hospital service when 45332

engaged in the actual performance of their official duties, and 45333
attendants attached to same; 45334

(3) Funeral directors, embalmers, and apprentices licensed or 45335
registered under Chapter 4717. of the Revised Code; 45336

(4) Persons who are engaged in the retail sale, cleaning, or 45337
beautification of wigs and hairpieces but who do not engage in any 45338
other act constituting the practice of a branch of cosmetology; 45339

(5) Volunteers of hospitals, and homes as defined in section 45340
3721.01 of the Revised Code, who render service to registered 45341
patients and inpatients who reside in such hospitals or homes. 45342
Such volunteers shall not use or work with any chemical products 45343
such as permanent wave, hair dye, or chemical hair relaxer, which 45344
without proper training would pose a health or safety problem to 45345
the patient. 45346

(6) Nurse aides and other employees of hospitals and homes as 45347
defined in section 3721.01 of the Revised Code, who practice a 45348
branch of cosmetology on registered patients only as part of 45349
general patient care services and who do not charge patients 45350
directly on a fee for service basis; 45351

(7) Cosmetic therapists and massage therapists who hold 45352
current, valid ~~certificates~~ licenses to practice cosmetic or 45353
massage therapy issued by the state medical board under section 45354
4731.15 of the Revised Code, to the extent their actions are 45355
authorized by their ~~certificates to practice~~ licenses; 45356

(8) Inmates who provide services related to a branch of 45357
cosmetology to other inmates, except when those services are 45358
provided in a licensed school of cosmetology within a state 45359
correctional institution for females. 45360

(B) The director of rehabilitation and correction shall 45361
oversee the services described in division (A)(8) of this section 45362
with respect to sanitation and adopt rules governing those types 45363

of services provided by inmates. 45364

Sec. 4713.42. An individual holding a current, valid 45365
~~certificate~~ license issued under section 4731.15 of the Revised 45366
Code to provide cosmetic therapy or massage therapy may provide 45367
cosmetic therapy or massage therapy, as appropriate, in a salon. 45368
An individual holding a current, valid license or certificate 45369
issued by a professional regulatory board of this state may 45370
practice the individual's profession in a salon if the 45371
individual's profession is authorized by rules adopted under 45372
section 4713.08 of the Revised Code to practice in a salon. 45373

An individual providing cosmetic therapy, massage therapy, or 45374
other professional service in a salon pursuant to this section 45375
shall satisfy the standards established by rules adopted under 45376
section 4713.08 of the Revised Code. 45377

Sec. 4715.22. (A)(1) This section applies only when a 45378
licensed dental hygienist is not practicing in accordance with 45379
either of the following: 45380

(a) A permit issued pursuant to section 4715.363 of the 45381
Revised Code authorizing practice under the oral health access 45382
supervision of a dentist; 45383

(b) Section 4715.431 of the Revised Code. 45384

(2) As used in this section, "health care facility" means 45385
either of the following: 45386

(a) A hospital registered under section 3701.07 of the 45387
Revised Code; 45388

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 45389
Revised Code. 45390

(B) A licensed dental hygienist shall practice under the 45391
supervision, order, control, and full responsibility of a dentist 45392

licensed under this chapter. A dental hygienist may practice in a 45393
dental office, public or private school, health care facility, 45394
dispensary, or public institution. Except as provided in divisions 45395
(C) to (E) of this section, a dental hygienist may not provide 45396
dental hygiene services to a patient when the supervising dentist 45397
is not physically present at the location where the dental 45398
hygienist is practicing. 45399

(C) A dental hygienist may provide, for not more than fifteen 45400
consecutive business days, dental hygiene services to a patient 45401
when the supervising dentist is not physically present at the 45402
location where the services are provided if all of the following 45403
requirements are met: 45404

(1) The dental hygienist has at least one year and a minimum 45405
of one thousand five hundred hours of experience in the practice 45406
of dental hygiene. 45407

(2) The dental hygienist has successfully completed a course 45408
approved by the state dental board in the identification and 45409
prevention of potential medical emergencies. 45410

(3) The dental hygienist does not perform, while the 45411
supervising dentist is absent from the location, procedures while 45412
the patient is anesthetized, definitive root planing, definitive 45413
subgingival curettage, or other procedures identified in rules the 45414
state dental board adopts. 45415

(4) The supervising dentist has evaluated the dental 45416
hygienist's skills. 45417

(5) The supervising dentist examined the patient not more 45418
than one year prior to the date the dental hygienist provides the 45419
dental hygiene services to the patient. 45420

(6) The dental hygienist complies with written protocols or 45421
written standing orders that the supervising dentist establishes, 45422
including those established for emergencies. 45423

(7) The supervising dentist completed and evaluated a medical 45424
and dental history of the patient not more than one year prior to 45425
the date the dental hygienist provides dental hygiene services to 45426
the patient and, except when the dental hygiene services are 45427
provided in a health care facility, the supervising dentist 45428
determines that the patient is in a medically stable condition. 45429

(8) If the dental hygiene services are provided in a health 45430
care facility, a doctor of medicine and surgery or osteopathic 45431
medicine and surgery ~~who holds a current certificate issued~~ 45432
licensed under Chapter 4731. of the Revised Code or a registered 45433
nurse licensed under Chapter 4723. of the Revised Code is present 45434
in the health care facility when the services are provided. 45435

(9) In advance of the appointment for dental hygiene 45436
services, the patient is notified that the supervising dentist 45437
will be absent from the location and that the dental hygienist 45438
cannot diagnose the patient's dental health care status. 45439

(10) The dental hygienist is employed by, or under contract 45440
with, one of the following: 45441

(a) The supervising dentist; 45442

(b) A dentist licensed under this chapter who is one of the 45443
following: 45444

(i) The employer of the supervising dentist; 45445

(ii) A shareholder in a professional association formed under 45446
Chapter 1785. of the Revised Code of which the supervising dentist 45447
is a shareholder; 45448

(iii) A member or manager of a limited liability company 45449
formed under Chapter 1705. of the Revised Code of which the 45450
supervising dentist is a member or manager; 45451

(iv) A shareholder in a corporation formed under division (B) 45452
of section 1701.03 of the Revised Code of which the supervising 45453

dentist is a shareholder; 45454

(v) A partner or employee of a partnership or a limited liability partnership formed under Chapter 1775. or 1776. of the Revised Code of which the supervising dentist is a partner or employee. 45455
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(c) A government entity that employs the dental hygienist to provide dental hygiene services in a public school or in connection with other programs the government entity administers. 45459
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(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met: 45462
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(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board. 45468
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(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated. 45475
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(3)(a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan. 45478
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(b) The requirement in division (D)(3)(a) of this section does not apply when the only services to be provided by the dental hygienist are the placement of pit and fissure sealants and the 45482
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application of fluoride varnish. 45485

(E) A dental hygienist may do any of the following when the 45486
supervising dentist is not physically present at the location 45487
where the services are provided, regardless of whether the dentist 45488
has examined the patient, if the dental hygienist is employed by, 45489
or under contract with, the supervising dentist or another person 45490
or government entity specified in division (C)(10)(b) or (c) of 45491
this section: 45492

(1) Apply fluoride varnish; 45493

(2) Apply desensitizing agents, excluding silver diamine 45494
fluoride; 45495

(3) Apply disclosing solutions; 45496

(4) Apply pit and fissure sealants; 45497

(5) Recement temporary crowns or recement crowns with 45498
temporary cement; 45499

(6) Conduct caries susceptibility testing; 45500

(7) Provide instruction on oral hygiene home care, including 45501
the use of toothbrushes and dental floss; 45502

(8) Discuss general nonmedical nutrition information for the 45503
purpose of maintaining good oral health. 45504

As used in division (E)(8) of this section, "general 45505
nonmedical nutrition information" means information on the 45506
following: principles of good nutrition and food preparation, food 45507
to be included in the normal daily diet, the essential nutrients 45508
needed by the body, recommended amounts of the essential 45509
nutrients, the actions of nutrients on the body, the effects of 45510
deficiencies or excesses of nutrients, or food and supplements 45511
that are good sources of essential nutrients. 45512

(F) No person shall do either of the following: 45513

(1) Practice dental hygiene in a manner that is separate or 45514
otherwise independent from the dental practice of a supervising 45515
dentist; 45516

(2) Establish or maintain an office or practice that is 45517
primarily devoted to the provision of dental hygiene services. 45518

(G) The state dental board shall adopt rules under division 45519
(C) of section 4715.03 of the Revised Code identifying procedures 45520
a dental hygienist may not perform when practicing in the absence 45521
of the supervising dentist pursuant to division (C) or (D) of this 45522
section. 45523

Sec. 4715.52. (A) Except as provided in division (B) of this 45524
section, no person shall practice or hold that person out as a 45525
dental x-ray machine operator without a valid certificate issued 45526
under section 4715.53 of the Revised Code. 45527

(B) Division (A) of this section does not apply to any of the 45528
following: 45529

(1) Dentists or dental hygienists licensed under this 45530
chapter; 45531

(2) As specified in 42 C.F.R. 75, radiologic personnel 45532
employed by the federal government or serving in a branch of the 45533
armed forces of the United States; 45534

(3) Students engaging in any of the activities performed by 45535
dental x-ray machine operators as an integral part of a program of 45536
study leading to receipt of a license or certificate issued under 45537
this chapter, or a license issued under Chapter 4731., 4734., or 45538
~~Chapter 4773. of the Revised Code, or a certificate issued under~~ 45539
~~Chapter 4731. of the Revised Code.~~ 45540

Sec. 4717.03. (A) Members of the board of embalmers and 45541
funeral directors shall annually in July, or within thirty days 45542

after the senate's confirmation of the new members appointed in 45543
that year, meet and organize by selecting from among its members a 45544
president, vice-president, and secretary-treasurer. The board may 45545
hold other meetings as it determines necessary. A quorum of the 45546
board consists of four members, of whom at least three shall be 45547
members who are funeral directors. The concurrence of at least 45548
four members is necessary for the board to take any action. The 45549
president and secretary-treasurer shall sign all licenses issued 45550
under this chapter and affix the board's seal to each license. 45551

(B) The board may appoint an individual who is not a member 45552
of the board to serve as executive director of the board. The 45553
executive director serves at the pleasure of the board and shall 45554
do all of the following: 45555

(1) Serve as the board's chief administrative officer; 45556

(2) Act as custodian of the board's records; 45557

(3) Execute all of the board's orders; 45558

(4) Employ staff who are not members of the board and who 45559
serve at the pleasure of the executive director to provide any 45560
assistance that the board considers necessary. 45561

(C) In executing the board's orders as required by division 45562
(B)(3) of this section, the executive director may enter the 45563
premises, establishment, office, or place of business of any 45564
embalmer, funeral director, or crematory operator in this state. 45565
The executive director may serve and execute any process issued by 45566
any court under this chapter. 45567

(D) The executive director may employ necessary inspectors, 45568
who shall be licensed embalmers and funeral directors. An 45569
inspector employed by the executive director may enter the 45570
premises, establishment, office, or place of business of any 45571
embalmer, funeral director, or crematory operator, embalming 45572

facility, funeral home, or crematory facility in this state, for 45573
the purposes of inspecting the facility and premises; the license, 45574
permit, and ~~registration~~ certification of embalmers, funeral 45575
directors, and crematory operators operating in the facility; and 45576
the license of the funeral home, embalming facility, or crematory 45577
facility and perform any other duties delegated to the inspector 45578
by the board or assigned to the inspector by the executive 45579
director. The executive director may enter the facility or 45580
premises of a funeral home, embalming facility, or crematory for 45581
the purpose of an inspection if accompanied by an inspector or, if 45582
an inspector is not available, when a situation presents a danger 45583
of immediate and serious harm to the public. 45584

(E) The president of the board shall designate three of the 45585
board's members to serve on the crematory review board, which is 45586
hereby created, for such time as the president finds appropriate 45587
to carry out the provisions of this chapter. Those members of the 45588
crematory review board designated by the president to serve and 45589
three members designated by the cemetery dispute resolution 45590
commission shall designate, by a majority vote, one person who 45591
holds a crematory operator permit, who is experienced in the 45592
operation of a crematory facility, and who is not affiliated with 45593
a cemetery or a funeral home to serve on the crematory review 45594
board for such time as the crematory review board finds 45595
appropriate. Members serving on the crematory review board shall 45596
not receive any additional compensation for serving on the board, 45597
but may be reimbursed for their actual and necessary expenses 45598
incurred in the performance of official duties as members of the 45599
board. Members of the crematory review board shall designate one 45600
from among its members to serve as a chairperson for such time as 45601
the board finds appropriate. Costs associated with conducting an 45602
adjudicatory hearing in accordance with division (F) of this 45603
section shall be paid from funds available to the board of 45604
embalmers and funeral directors. 45605

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of

its proceedings, to the board of embalmers and funeral directors. 45637
The board of embalmers and funeral directors shall serve a copy of 45638
the written report of the crematory review board's findings and 45639
advisory recommendations on the party to the adjudication or the 45640
party's attorney, by certified mail, within five days after 45641
receiving the report and advisory recommendations. A party may 45642
file objections to the written report with the board of embalmers 45643
and funeral directors within ten days after receiving the report. 45644
No written report is final or appealable until it is issued as a 45645
final order by the board of embalmers and funeral directors and 45646
entered on the record of the proceedings. The board of embalmers 45647
and funeral directors shall consider objections filed by the party 45648
prior to issuing a final order. After reviewing the findings and 45649
advisory recommendations of the crematory review board, the 45650
written transcript of the crematory review board's proceedings, 45651
and any objections filed by a party, the board of embalmers and 45652
funeral directors shall issue a final order in the matter. Any 45653
party may appeal the final order issued by the board of embalmers 45654
and funeral directors in a matter described in divisions (F)(1) to 45655
(4) of this section in accordance with section 119.12 of the 45656
Revised Code, except that the appeal may be made to the court of 45657
common pleas in the county in which is located the crematory 45658
facility to which the final order pertains, or in the county in 45659
which the party resides. 45660

(G) On its own initiative or on receiving a written complaint 45661
from any person whose identity is made known to the board of 45662
embalmers and funeral directors, the board shall investigate the 45663
acts or practices of any person holding or claiming to hold a 45664
license, permit, or ~~registration~~ certification under this chapter 45665
that, if proven to have occurred, would violate this chapter or 45666
any rules adopted under it. The board may compel witnesses by 45667
subpoena to appear and testify in relation to investigations 45668
conducted under this chapter and may require by subpoena duces 45669

tecum the production of any book, paper, or document pertaining to 45670
an investigation. If a person does not comply with a subpoena or 45671
subpoena duces tecum, the board may apply to the court of common 45672
pleas of any county in this state for an order compelling the 45673
person to comply with the subpoena or subpoena duces tecum, or for 45674
failure to do so, to be held in contempt of court. 45675

(H) If, as a result of its investigation conducted under 45676
division (G) of this section, the board of embalmers and funeral 45677
directors has reasonable cause to believe that the person 45678
investigated is violating any provision of this chapter or any 45679
rules adopted under this chapter governing or in connection with 45680
embalming, funeral directing, cremation, funeral homes, embalming 45681
facilities, or cremation facilities, or the operation of funeral 45682
homes, embalming facilities, or crematory facilities, it may, 45683
after providing the opportunity for an adjudicatory hearing, issue 45684
an order directing the person to cease the acts or practices that 45685
constitute the violation. The board shall conduct the adjudicatory 45686
hearing in accordance with Chapter 119. of the Revised Code except 45687
that, notwithstanding the provisions of that chapter, the 45688
following shall apply: 45689

(1) The board shall send the notice informing the person of 45690
the person's right to a hearing by certified mail. 45691

(2) The person is entitled to a hearing only if the person 45692
requests a hearing and if the board receives the request within 45693
thirty days after the mailing of the notice described in division 45694
(H)(1) of this section. 45695

(3) A stenographic record shall be taken, in the manner 45696
prescribed in section 119.09 of the Revised Code, at every 45697
adjudicatory hearing held under this section, regardless of 45698
whether the record may be the basis of an appeal to a court. 45699

(I) If, as a result of its investigation conducted under 45700

division (G) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board shall send written notice of the alleged violation to the crematory review board. If, after the conclusion of the adjudicatory hearing in the matter conducted under division (F) of this section, the board of embalmers and funeral directors finds that a person is in violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation, the board may issue a final order under that division directing the person to cease the acts or practices that constitute the violation.

(J) The board of embalmers and funeral directors may bring a civil action to enjoin any violation or threatened violation of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; divisions (A) to (C) of section 4717.28, or division (D) or (E) of section 4717.31 of the Revised Code. The action shall be brought in the county where the violation occurred or the threatened violation is expected to occur. At the request of the board, the attorney general shall represent the board in any matter arising under this chapter.

(K) The board of embalmers and funeral directors and the crematory review board may issue subpoenas for any person holding a license or permit under this chapter or persons holding themselves out as such, or for any other person whose testimony, in the opinion of either board, is necessary. The subpoena shall

require the person to appear before the appropriate board or any 45733
designated member of either board, upon any hearing conducted 45734
under this chapter. The penalty for disobedience to the command of 45735
such a subpoena is the same as for refusal to answer such a 45736
process issued under authority of the court of common pleas. 45737

(L) Except as provided in section 4717.41 of the Revised 45738
Code, all moneys received by the board of embalmers and funeral 45739
directors from any source shall be deposited in the state treasury 45740
to the credit of the occupational licensing and regulatory fund 45741
created in section 4743.05 of the Revised Code. 45742

(M) The board of embalmers and funeral directors shall submit 45743
a written report to the governor on or before the first Monday of 45744
July of each year. This report shall contain a detailed statement 45745
of the nature and amount of the board's receipts and the amount 45746
and manner of its expenditures. 45747

Sec. 4717.05. (A) Any person who desires to be licensed as an 45748
embalmer shall apply to the board of embalmers and funeral 45749
directors on a form provided by the board. The applicant shall 45750
include with the application an initial license fee as set forth 45751
in section 4717.07 of the Revised Code and evidence, verified by 45752
oath and satisfactory to the board, that the applicant meets all 45753
of the following requirements: 45754

(1) The applicant is at least eighteen years of age and of 45755
good moral character. 45756

(2) If the applicant has pleaded guilty to, has been found by 45757
a judge or jury to be guilty of, or has had a judicial finding of 45758
eligibility for treatment in lieu of conviction entered against 45759
the applicant in this state for aggravated murder, murder, 45760
voluntary manslaughter, felonious assault, kidnapping, rape, 45761
sexual battery, gross sexual imposition, aggravated arson, 45762
aggravated robbery, or aggravated burglary, or has pleaded guilty 45763

to, has been found by a judge or jury to be guilty of, or has had 45764
a judicial finding of eligibility for treatment in lieu of 45765
conviction entered against the applicant in another jurisdiction 45766
for a substantially equivalent offense, at least five years has 45767
elapsed since the applicant was released from incarceration, a 45768
community control sanction, a post-release control sanction, 45769
parole, or treatment in connection with the offense. 45770

(3) The applicant holds at least a bachelor's degree from a 45771
college or university authorized to confer degrees by the 45772
department of higher education or the comparable legal agency of 45773
another state in which the college or university is located and 45774
submits an official transcript from that college or university 45775
with the application. 45776

(4) The applicant has satisfactorily completed at least 45777
twelve months of instruction in a prescribed course in mortuary 45778
science as approved by the board and has presented to the board a 45779
certificate showing successful completion of the course. The 45780
course of mortuary science college training may be completed 45781
either before or after the completion of the educational standard 45782
set forth in division (A)(3) of this section. 45783

(5) The applicant has ~~registered with~~ been certified by the 45784
board prior to beginning an embalmer apprenticeship. 45785

(6) The applicant has satisfactorily completed at least one 45786
year of apprenticeship under an embalmer licensed in this state 45787
and has participated in embalming at least twenty-five dead human 45788
bodies. 45789

(7) The applicant, upon meeting the educational standards 45790
provided for in divisions (A)(3) and (4) of this section and 45791
completing the apprenticeship required in division (A)(6) of this 45792
section, has completed the examination for an embalmer's license 45793
required by the board. 45794

(B) Upon receiving satisfactory evidence verified by oath 45795
that the applicant meets all the requirements of division (A) of 45796
this section, the board shall issue the applicant an embalmer's 45797
license. 45798

(C) Any person who desires to be licensed as a funeral 45799
director shall apply to the board on a form prescribed by the 45800
board. The application shall include an initial license fee as set 45801
forth in section 4717.07 of the Revised Code and evidence, 45802
verified by oath and satisfactory to the board, that the applicant 45803
meets all of the following requirements: 45804

(1) Except as otherwise provided in division (D) of this 45805
section, the applicant has satisfactorily met all the requirements 45806
for an embalmer's license as described in divisions (A)(1) to (4) 45807
of this section. 45808

(2) The applicant has ~~registered with~~ been certified by the 45809
board prior to beginning a funeral director apprenticeship. 45810

(3) The applicant, following mortuary science college 45811
training described in division (A)(4) of this section, has 45812
satisfactorily completed a one-year apprenticeship under a 45813
licensed funeral director in this state and has participated in 45814
directing at least twenty-five funerals. 45815

(4) The applicant has satisfactorily completed the 45816
examination for a funeral director's license as required by the 45817
board. 45818

(D) In lieu of mortuary science college training required for 45819
a funeral director's license under division (C)(1) of this 45820
section, the applicant may substitute a satisfactorily completed 45821
two-year apprenticeship under a licensed funeral director in this 45822
state assisting that person in directing at least fifty funerals. 45823

(E) Upon receiving satisfactory evidence that the applicant 45824
meets all the requirements of division (C) of this section, the 45825

board shall issue to the applicant a funeral director's license. 45826

(F) A funeral director or embalmer may request the funeral 45827
director's or embalmer's license be placed on inactive status by 45828
submitting to the board a form prescribed by the board and such 45829
other information as the board may request. A funeral director or 45830
embalmer may not place the funeral director's or embalmer's 45831
license on inactive status unless the funeral director or embalmer 45832
is in good standing with the board and is in compliance with 45833
applicable continuing education requirements. A funeral director 45834
or embalmer who is granted inactive status is prohibited from 45835
participating in any activity for which a funeral director's or 45836
embalmer's license is required in this state. A funeral director 45837
or embalmer who has been granted inactive status is exempt from 45838
the continuing education requirements under section 4717.09 of the 45839
Revised Code during the period of the inactive status. 45840

(G) A funeral director or embalmer who has been granted 45841
inactive status may not return to active status for at least two 45842
years following the date that the inactive status was granted. 45843
Following a period of at least two years of inactive status, the 45844
funeral director or embalmer may apply to return to active status 45845
upon completion of all of the following conditions: 45846

(1) The funeral director or embalmer files with the board a 45847
form prescribed by the board seeking active status and provides 45848
any other information as the board may request; 45849

(2) The funeral director or embalmer takes and passes the 45850
Ohio laws examination for each license being activated; 45851

(3) The funeral director or embalmer pays a reactivation fee 45852
to the board in the amount of one hundred forty dollars for each 45853
license being reactivated. 45854

(H) As used in this section: 45855

(1) "Community control sanction" has the same meaning as in 45856

section 2929.01 of the Revised Code. 45857

(2) "Post-release control sanction" has the same meaning as 45858
in section 2967.01 of the Revised Code. 45859

Sec. 4717.07. (A) The board of embalmers and funeral 45860
directors shall charge and collect the following fees: 45861

(1) For applying for an initial or biennial renewal of an 45862
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 45863
dollars; 45864

(2) ~~For applying for an embalmer or funeral director~~ 45865
~~registration, twenty five dollars;~~ 45866

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 45867
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 45868

~~(4)~~(3) For the application to take the examination for a 45869
license to practice as an embalmer or funeral director, or to 45870
retake a section of the examination, thirty-five dollars; 45871

~~(5)~~(4) For applying for an initial license to operate a 45872
funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial 45873
renewal of a license to operate a funeral home, ~~three~~ four hundred 45874
~~fifty~~ dollars; 45875

~~(6)~~(5) For the reinstatement of a lapsed embalmer's or 45876
funeral director's license, the renewal fee prescribed in division 45877
(A)(1) of this section plus fifty dollars for each month or 45878
portion of a month the license is lapsed, but not more than one 45879
thousand dollars; 45880

~~(7)~~(6) For the reinstatement of a lapsed license to operate a 45881
funeral home, the renewal fee prescribed in division (A)~~(5)~~(4) of 45882
this section plus fifty dollars for each month or portion of a 45883
month the license is lapsed until reinstatement, but not more than 45884
one thousand dollars; 45885

(8) (7) For applying for a license to operate an embalming facility, three <u>four</u> hundred fifty dollars and biennial renewal of a license to operate an embalming facility, three <u>four</u> hundred fifty dollars;	45886 45887 45888 45889
(9) (8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (8) (7) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	45890 45891 45892 45893 45894
(10) (9) For applying for a license to operate a crematory facility, three <u>four</u> hundred fifty dollars and biennial renewal of a license to operate a crematory facility, three <u>four</u> hundred fifty dollars;	45895 45896 45897 45898
(11) (10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) (10) (9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;	45899 45900 45901 45902 45903
(12) (11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred <u>fifty</u> dollars;	45904 45905
(13) (12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A) (12) (11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;	45906 45907 45908 45909
(14) (13) For the issuance of a duplicate of a license issued under this chapter, ten dollars;	45910 45911
(15) (14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.	45912 45913 45914
(B) In addition to the fees set forth in division (A) of this	45915

section, an applicant shall pay the examination fee assessed by 45916
any examining agency the board uses for any section of an 45917
examination required under this chapter. 45918

(C) Subject to the approval of the controlling board, the 45919
board of embalmers and funeral directors may establish fees in 45920
excess of the amounts set forth in this section, provided that 45921
these fees do not exceed the amounts set forth in this section by 45922
more than fifty per cent. 45923

Sec. 4717.41. (A) There is hereby created the preneed 45924
recovery fund, which shall be in the custody of the treasurer of 45925
state but shall not be part of the state treasury. All fees 45926
collected under division (A)~~(15)~~(14) of section 4717.07 of the 45927
Revised Code shall be deposited into the fund. The fund shall be 45928
used to reimburse purchasers of preneed funeral contracts who have 45929
suffered financial loss as a result of the malfeasance, 45930
misfeasance, default, failure, or insolvency in connection with 45931
the sale of a preneed funeral contract by any licensee under this 45932
chapter, regardless of whether the sale of such contract occurred 45933
before or after the establishment of the fund. The fund, and all 45934
investment earnings thereon, shall only be used for the purposes 45935
set forth in this section and shall not be used for any other 45936
purposes. The fund shall be administered by the board of embalmers 45937
and funeral directors. 45938

(B) All fees collected under division (A)~~(15)~~(14) of section 45939
4717.07 of the Revised Code shall be deposited into the fund. 45940
Deposits to and disbursements from the fund account shall be 45941
subject to rules established by the board. 45942

(C) If at the end of any fiscal year for this state, the 45943
balance in the fund exceeds two million dollars, the fee required 45944
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 45945
the upcoming fiscal year shall be reduced by fifty per cent. If 45946

the balance in the fund at the end of a fiscal year exceeds three 45947
million dollars, the payment of the fee required by division 45948
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 45949
suspended for the upcoming fiscal year. 45950

(D) The board shall adopt rules governing management of the 45951
fund, the presentation and processing of applications for 45952
reimbursement, subrogation, or assignment of the rights of any 45953
reimbursed applicant. 45954

(E) The board may expend moneys in the fund for the following 45955
purposes: 45956

(1) To make reimbursements on approved applications; 45957

(2) To purchase insurance to cover losses as considered 45958
appropriate by the board and not inconsistent with the purposes of 45959
the fund; 45960

(3) To invest such portions of the fund as are not currently 45961
needed to reimburse losses and maintain adequate reserves, as are 45962
permitted to be made by fiduciaries under the laws of this state; 45963

(4) To pay the expenses of the board for administering the 45964
fund, including employment of local counsel to prosecute 45965
subrogation claims. 45966

(F) Reimbursements from the fund shall be made only to the 45967
extent to which those losses are not bonded or otherwise covered, 45968
protected, or reimbursed and only after the applicant has complied 45969
with all applicable rules of the board. 45970

(G) The board shall investigate all applications made and may 45971
reject or allow such claims in whole or in part to the extent that 45972
moneys are available in the fund. The board shall have complete 45973
discretion to determine the order and manner of payment of 45974
approved applications. All payments shall be a matter of privilege 45975
and not of right, and no person shall have any right in the fund 45976

as a third-party beneficiary or otherwise. No attorney may be 45977
compensated by the board for prosecuting an application for 45978
reimbursement. 45979

(H) If reimbursement is made to an applicant under this 45980
section, the board shall be subrogated in the reimbursement amount 45981
and may bring any action it considers advisable against any 45982
person. The board may enforce any claims it may have for 45983
restitution or otherwise and may employ and compensate 45984
consultants, agents, legal counsel, accountants, and other persons 45985
it considers appropriate. 45986

Sec. 4723.06. (A) The board of nursing shall: 45987

(1) Administer and enforce the provisions of this chapter, 45988
including the taking of disciplinary action for violations of 45989
section 4723.28 of the Revised Code, any other provisions of this 45990
chapter, or rules adopted under this chapter; 45991

(2) Develop criteria that an applicant must meet to be 45992
eligible to sit for the examination for licensure to practice as a 45993
registered nurse or as a licensed practical nurse; 45994

(3) Issue and renew nursing licenses, dialysis technician 45995
certificates, and community health worker certificates, as 45996
provided in this chapter; 45997

(4) Define the minimum educational standards for the schools 45998
and programs of registered nursing and practical nursing in this 45999
state; 46000

(5) Survey, inspect, and grant full approval to prelicensure 46001
nursing education programs in this state that meet the standards 46002
established by rules adopted under section 4723.07 of the Revised 46003
Code. Prelicensure nursing education programs include, but are not 46004
limited to, diploma, associate degree, baccalaureate degree, 46005
master's degree, and doctor of nursing programs leading to initial 46006

licensure to practice nursing as a registered nurse and practical 46007
nurse programs leading to initial licensure to practice nursing as 46008
a licensed practical nurse. 46009

(6) Grant conditional approval, by a vote of a quorum of the 46010
board, to a new prelicensure nursing education program or a 46011
program that is being reestablished after having ceased to 46012
operate, if the program meets and maintains the minimum standards 46013
of the board established by rules adopted under section 4723.07 of 46014
the Revised Code. If the board does not grant conditional 46015
approval, it shall hold an adjudication under Chapter 119. of the 46016
Revised Code to consider conditional approval of the program. If 46017
the board grants conditional approval, at the first meeting 46018
following completion of the survey process required by division 46019
(A)(5) of this section, the board shall determine whether to grant 46020
full approval to the program. If the board does not grant full 46021
approval or if it appears that the program has failed to meet and 46022
maintain standards established by rules adopted under section 46023
4723.07 of the Revised Code, the board shall hold an adjudication 46024
under Chapter 119. of the Revised Code to consider the program. 46025
Based on results of the adjudication, the board may continue or 46026
withdraw conditional approval, or grant full approval. 46027

(7) Place on provisional approval, for a period of time 46028
specified by the board, a prelicensure nursing education program 46029
that has ceased to meet and maintain the minimum standards of the 46030
board established by rules adopted under section 4723.07 of the 46031
Revised Code. Prior to or at the end of the period, the board 46032
shall reconsider whether the program meets the standards and shall 46033
grant full approval if it does. If it does not, the board may 46034
withdraw approval, pursuant to an adjudication under Chapter 119. 46035
of the Revised Code. 46036

(8) Approve continuing education programs and courses under 46037
standards established in rules adopted under sections 4723.07, 46038

4723.69, 4723.79, and 4723.88 of the Revised Code;	46039
(9) Establish a substance abuse <u>use</u> disorder monitoring program in accordance with section 4723.35 of the Revised Code;	46040 46041
(10) Establish the practice intervention and improvement program in accordance with section 4723.282 of the Revised Code;	46042 46043
(11) Grant approval to the course of study in advanced pharmacology and related topics described in section 4723.482 of the Revised Code;	46044 46045 46046
(12) Make an annual edition of the exclusionary formulary established in rules adopted under section 4723.50 of the Revised Code available to the public by electronic means and, as soon as possible after any revision of the formulary becomes effective, make the revision available to the public by electronic means;	46047 46048 46049 46050 46051
(13) Approve under section 4723.46 of the Revised Code national certifying organizations for examination and licensure of advanced practice registered nurses, which may include separate organizations for each nursing specialty;	46052 46053 46054 46055
(14) Provide guidance and make recommendations to the general assembly, the governor, state agencies, and the federal government with respect to the regulation of the practice of nursing and the enforcement of this chapter;	46056 46057 46058 46059
(15) Make an annual report to the governor, which shall be open for public inspection;	46060 46061
(16) Maintain and have open for public inspection the following records:	46062 46063
(a) A record of all its meetings and proceedings;	46064
(b) A record of all applicants for, and holders of, licenses and certificates issued by the board under this chapter or in accordance with rules adopted under this chapter. The record shall be maintained in a format determined by the board.	46065 46066 46067 46068

(c) A list of education and training programs approved by the board. 46069
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(17) Deny conditional approval to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate if the program or a person acting on behalf of the program submits or causes to be submitted to the board false, misleading, or deceptive statements, information, or documentation in the process of applying for approval of the program. If the board proposes to deny approval of the program, it shall do so pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 46071
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(B) The board may fulfill the requirement of division (A)(8) of this section by authorizing persons who meet the standards established in rules adopted under section 4723.07 of the Revised Code to approve continuing education programs and courses. Persons so authorized shall approve continuing education programs and courses in accordance with standards established in rules adopted under section 4723.07 of the Revised Code. 46080
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Persons seeking authorization to approve continuing education programs and courses shall apply to the board and pay the appropriate fee established under section 4723.08 of the Revised Code. Authorizations to approve continuing education programs and courses shall expire and may be renewed according to the schedule established in rules adopted under section 4723.07 of the Revised Code. 46087
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In addition to approving continuing education programs under division (A)(8) of this section, the board may sponsor continuing education activities that are directly related to the statutes and rules the board enforces. 46094
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(C)(1) The board may deny conditional approval to a new prelicensure nursing education program or program that is being 46098
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reestablished after having ceased to operate if the program is 46100
controlled by a person who controls or has controlled a program 46101
that had its approval withdrawn, revoked, suspended, or restricted 46102
by the board or a board of another jurisdiction that is a member 46103
of the national council of state boards of nursing. If the board 46104
proposes to deny approval, it shall do so pursuant to an 46105
adjudication conducted under Chapter 119. of the Revised Code. 46106

(2) As used in this division, "control" means any of the 46107
following: 46108

(a) Holding fifty per cent or more of the outstanding voting 46109
securities or membership interest of a prelicensure nursing 46110
education program; 46111

(b) In the case of an unincorporated prelicensure nursing 46112
education program, having the right to fifty per cent or more of 46113
the program's profits or in the event of a dissolution, fifty per 46114
cent or more of the program's assets; 46115

(c) In the case of a prelicensure nursing education program 46116
that is a for-profit or not-for-profit corporation, having the 46117
contractual authority presently to designate fifty per cent or 46118
more of its directors; 46119

(d) In the case of a prelicensure nursing education program 46120
that is a trust, having the contractual authority presently to 46121
designate fifty per cent or more of its trustees; 46122

(e) Having the authority to direct the management, policies, 46123
or investments of a prelicensure nursing education program. 46124

(D)(1) When an action taken by the board under division 46125
(A)(6), (7), or (17) or (C)(1) of this section is required to be 46126
taken pursuant to an adjudication conducted under Chapter 119. of 46127
the Revised Code, the board may, in lieu of an adjudication 46128
hearing, enter into a consent agreement to resolve the matter. A 46129
consent agreement, when ratified by a vote of a quorum of the 46130

board, constitutes the findings and order of the board with 46131
respect to the matter addressed in the agreement. If the board 46132
refuses to ratify a consent agreement, the admissions and findings 46133
contained in the agreement are of no effect. 46134

(2) In any instance in which the board is required under 46135
Chapter 119. of the Revised Code to give notice to a person 46136
seeking approval of a prelicensure nursing education program of an 46137
opportunity for a hearing and the person does not make a timely 46138
request for a hearing in accordance with section 119.07 of the 46139
Revised Code, the board is not required to hold a hearing, but may 46140
adopt, by a vote of a quorum, a final order that contains the 46141
board's findings. 46142

(3) When the board denies or withdraws approval of a 46143
prelicensure nursing education program, the board may specify that 46144
its action is permanent. A program subject to a permanent action 46145
taken by the board is forever ineligible for approval and the 46146
board shall not accept an application for the program's 46147
reinstatement or approval. 46148

Sec. 4723.08. (A) The board of nursing may impose fees not to 46149
exceed the following limits: 46150

(1) For application for licensure by examination or 46151
endorsement to practice nursing as a registered nurse or as a 46152
licensed practical nurse, seventy-five dollars; 46153

(2) For application for licensure to practice nursing as an 46154
advanced practice registered nurse, one hundred fifty dollars; 46155

(3) For application for a dialysis technician intern 46156
certificate, the amount specified in rules adopted under section 46157
4723.79 of the Revised Code; 46158

(4) For application for a dialysis technician certificate, 46159
the amount specified in rules adopted under section 4723.79 of the 46160

Revised Code;	46161
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	46162 46163 46164 46165 46166
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	46167 46168 46169 46170
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	46171 46172
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	46173 46174
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	46175 46176 46177
(10) For processing a late application for renewal of a nursing license, certificate of authority , or dialysis technician certificate, fifty dollars;	46178 46179 46180
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	46181 46182 46183
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	46184 46185 46186
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	46187 46188 46189
(14) For application for approval to operate a dialysis	46190

training program, the amount specified in rules adopted under 46191
section 4723.79 of the Revised Code; 46192

(15) For reinstatement of a lapsed license or certificate 46193
issued under this chapter, one hundred dollars except as provided 46194
in section 5903.10 of the Revised Code; 46195

(16) For processing a check returned to the board by a 46196
financial institution, twenty-five dollars; 46197

(17) The amounts specified in rules adopted under section 46198
4723.88 of the Revised Code pertaining to the issuance of 46199
certificates to community health workers, including fees for 46200
application for a certificate, renewal of a certificate, 46201
processing a late application for renewal of a certificate, 46202
reinstatement of a lapsed certificate, application for approval of 46203
a community health worker training program for community health 46204
workers, and renewal of the approval of a training program for 46205
community health workers. 46206

(B) Each quarter, for purposes of transferring funds under 46207
section 4743.05 of the Revised Code to the nurse education 46208
assistance fund created in section 3333.28 of the Revised Code, 46209
the board of nursing shall certify to the director of budget and 46210
management the number of licenses renewed under this chapter 46211
during the preceding quarter and the amount equal to that number 46212
times five dollars. 46213

(C) The board may charge a participant in a board-sponsored 46214
continuing education activity an amount not exceeding fifteen 46215
dollars for each activity. 46216

(D) The board may contract for services pertaining to the 46217
process of providing written verification of a license or 46218
certificate when the verification is performed for purposes other 46219
than providing verification to another jurisdiction. The contract 46220
may include provisions pertaining to the collection of the fee 46221

charged for providing the written verification. As part of these 46222
provisions, the board may permit the contractor to retain a 46223
portion of the fees as compensation, before any amounts are 46224
deposited into the state treasury. 46225

Sec. 4723.28. (A) The board of nursing, by a vote of a 46226
quorum, may impose one or more of the following sanctions if it 46227
finds that a person committed fraud in passing an examination 46228
required to obtain a license or dialysis technician certificate 46229
issued by the board or to have committed fraud, misrepresentation, 46230
or deception in applying for or securing any nursing license or 46231
dialysis technician certificate issued by the board: deny, revoke, 46232
suspend, or place restrictions on any nursing license or dialysis 46233
technician certificate issued by the board; reprimand or otherwise 46234
discipline a holder of a nursing license or dialysis technician 46235
certificate; or impose a fine of not more than five hundred 46236
dollars per violation. 46237

(B) The board of nursing, by a vote of a quorum, may impose 46238
one or more of the following sanctions: deny, revoke, suspend, or 46239
place restrictions on any nursing license or dialysis technician 46240
certificate issued by the board; reprimand or otherwise discipline 46241
a holder of a nursing license or dialysis technician certificate; 46242
or impose a fine of not more than five hundred dollars per 46243
violation. The sanctions may be imposed for any of the following: 46244

(1) Denial, revocation, suspension, or restriction of 46245
authority to engage in a licensed profession or practice a health 46246
care occupation, including nursing or practice as a dialysis 46247
technician, for any reason other than a failure to renew, in Ohio 46248
or another state or jurisdiction; 46249

(2) Engaging in the practice of nursing or engaging in 46250
practice as a dialysis technician, having failed to renew a 46251
nursing license or dialysis technician certificate issued under 46252

this chapter, or while a nursing license or dialysis technician certificate is under suspension; 46253
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(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 46255
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(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude; 46260
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(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law; 46266
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(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio; 46274
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(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of 46280
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conviction for, an act in the course of practice in another	46284
jurisdiction that would constitute a misdemeanor in Ohio;	46285
(8) Self-administering or otherwise taking into the body any	46286
dangerous drug, as defined in section 4729.01 of the Revised Code,	46287
in any way that is not in accordance with a legal, valid	46288
prescription issued for that individual, or self-administering or	46289
otherwise taking into the body any drug that is a schedule I	46290
controlled substance;	46291
(9) Habitual or excessive use of controlled substances, other	46292
habit-forming drugs, or alcohol or other chemical substances to an	46293
extent that impairs the individual's ability to provide safe	46294
nursing care or safe dialysis care;	46295
(10) Impairment of the ability to practice according to	46296
acceptable and prevailing standards of safe nursing care or safe	46297
dialysis care because of the use of drugs, alcohol, or other	46298
chemical substances;	46299
(11) Impairment of the ability to practice according to	46300
acceptable and prevailing standards of safe nursing care or safe	46301
dialysis care because of a physical or mental disability;	46302
(12) Assaulting or causing harm to a patient or depriving a	46303
patient of the means to summon assistance;	46304
(13) Misappropriation or attempted misappropriation of money	46305
or anything of value in the course of practice;	46306
(14) Adjudication by a probate court of being mentally ill or	46307
mentally incompetent. The board may reinstate the person's nursing	46308
license or dialysis technician certificate upon adjudication by a	46309
probate court of the person's restoration to competency or upon	46310
submission to the board of other proof of competency.	46311
(15) The suspension or termination of employment by the	46312
United States department of defense or department of veterans	46313

affairs for any act that violates or would violate this chapter;	46314
(16) Violation of this chapter or any rules adopted under it;	46315
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	46316 46317
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	46318 46319 46320
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	46321 46322
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	46323 46324 46325
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	46326 46327 46328
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	46329 46330 46331
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	46332 46333 46334
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	46335 46336 46337
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	46338 46339 46340 46341 46342 46343

(b) Advertising that the nurse will waive the payment of all 46344
or any part of a deductible or copayment that a patient, pursuant 46345
to a health insurance or health care policy, contract, or plan 46346
that covers such nursing services, would otherwise be required to 46347
pay. 46348

(25) Failure to comply with the terms and conditions of 46349
participation in the substance use disorder monitoring program 46350
established under section 4723.35 of the Revised Code; 46351

(26) Failure to comply with the terms and conditions required 46352
under the practice intervention and improvement program 46353
established under section 4723.282 of the Revised Code; 46354

(27) In the case of an advanced practice registered nurse: 46355

(a) Engaging in activities that exceed those permitted for 46356
the nurse's nursing specialty under section 4723.43 of the Revised 46357
Code; 46358

(b) Failure to meet the quality assurance standards 46359
established under section 4723.07 of the Revised Code. 46360

(28) In the case of an advanced practice registered nurse 46361
other than a certified registered nurse anesthetist, failure to 46362
maintain a standard care arrangement in accordance with section 46363
4723.431 of the Revised Code or to practice in accordance with the 46364
standard care arrangement; 46365

(29) In the case of an advanced practice registered nurse who 46366
is designated as a clinical nurse specialist, certified 46367
nurse-midwife, or certified nurse practitioner, failure to 46368
prescribe drugs and therapeutic devices in accordance with section 46369
4723.481 of the Revised Code; 46370

(30) Prescribing any drug or device to perform or induce an 46371
abortion, or otherwise performing or inducing an abortion; 46372

(31) Failure to establish and maintain professional 46373

boundaries with a patient, as specified in rules adopted under 46374
section 4723.07 of the Revised Code; 46375

(32) Regardless of whether the contact or verbal behavior is 46376
consensual, engaging with a patient other than the spouse of the 46377
registered nurse, licensed practical nurse, or dialysis technician 46378
in any of the following: 46379

(a) Sexual contact, as defined in section 2907.01 of the 46380
Revised Code; 46381

(b) Verbal behavior that is sexually demeaning to the patient 46382
or may be reasonably interpreted by the patient as sexually 46383
demeaning. 46384

(33) Assisting suicide, as defined in section 3795.01 of the 46385
Revised Code; 46386

(34) Failure to comply with the requirements in section 46387
3719.061 of the Revised Code before issuing for a minor a 46388
prescription for an opioid analgesic, as defined in section 46389
3719.01 of the Revised Code; 46390

(35) Failure to comply with section 4723.487 of the Revised 46391
Code, unless the state board of pharmacy no longer maintains a 46392
drug database pursuant to section 4729.75 of the Revised Code; 46393

(36) The revocation, suspension, restriction, reduction, or 46394
termination of clinical privileges by the United States department 46395
of defense or department of veterans affairs or the termination or 46396
suspension of a certificate of registration to prescribe drugs by 46397
the drug enforcement administration of the United States 46398
department of justice. 46399

(C) Disciplinary actions taken by the board under divisions 46400
(A) and (B) of this section shall be taken pursuant to an 46401
adjudication conducted under Chapter 119. of the Revised Code, 46402
except that in lieu of a hearing, the board may enter into a 46403

consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in

the adjudication, the board may take action as though the 46436
registered nurse, licensed practical nurse, or dialysis technician 46437
had been convicted of the act. 46438

If the board takes action on the basis of a conviction, plea, 46439
or a judicial finding as described in divisions (B)(3) to (7) of 46440
this section that is overturned on appeal, the registered nurse, 46441
licensed practical nurse, or dialysis technician may, on 46442
exhaustion of the appeal process, petition the board for 46443
reconsideration of its action. On receipt of the petition and 46444
supporting court documents, the board shall temporarily rescind 46445
its action. If the board determines that the decision on appeal 46446
was a decision on the merits, it shall permanently rescind its 46447
action. If the board determines that the decision on appeal was 46448
not a decision on the merits, it shall conduct an adjudication to 46449
determine whether the registered nurse, licensed practical nurse, 46450
or dialysis technician committed the act on which the original 46451
conviction, plea, or judicial finding was based. If the board 46452
determines on the basis of the adjudication that the registered 46453
nurse, licensed practical nurse, or dialysis technician committed 46454
such act, or if the registered nurse, licensed practical nurse, or 46455
dialysis technician does not request an adjudication, the board 46456
shall reinstate its action; otherwise, the board shall permanently 46457
rescind its action. 46458

Notwithstanding the provision of division (C)(2) of section 46459
2953.32 of the Revised Code specifying that if records pertaining 46460
to a criminal case are sealed under that section the proceedings 46461
in the case shall be deemed not to have occurred, sealing of the 46462
following records on which the board has based an action under 46463
this section shall have no effect on the board's action or any 46464
sanction imposed by the board under this section: records of any 46465
conviction, guilty plea, judicial finding of guilt resulting from 46466
a plea of no contest, or a judicial finding of eligibility for a 46467

pretrial diversion program or intervention in lieu of conviction. 46468

The board shall not be required to seal, destroy, redact, or 46469
otherwise modify its records to reflect the court's sealing of 46470
conviction records. 46471

(F) The board may investigate an individual's criminal 46472
background in performing its duties under this section. As part of 46473
such investigation, the board may order the individual to submit, 46474
at the individual's expense, a request to the bureau of criminal 46475
identification and investigation for a criminal records check and 46476
check of federal bureau of investigation records in accordance 46477
with the procedure described in section 4723.091 of the Revised 46478
Code. 46479

(G) During the course of an investigation conducted under 46480
this section, the board may compel any registered nurse, licensed 46481
practical nurse, or dialysis technician or applicant under this 46482
chapter to submit to a mental or physical examination, or both, as 46483
required by the board and at the expense of the individual, if the 46484
board finds reason to believe that the individual under 46485
investigation may have a physical or mental impairment that may 46486
affect the individual's ability to provide safe nursing care. 46487
Failure of any individual to submit to a mental or physical 46488
examination when directed constitutes an admission of the 46489
allegations, unless the failure is due to circumstances beyond the 46490
individual's control, and a default and final order may be entered 46491
without the taking of testimony or presentation of evidence. 46492

If the board finds that an individual is impaired, the board 46493
shall require the individual to submit to care, counseling, or 46494
treatment approved or designated by the board, as a condition for 46495
initial, continued, reinstated, or renewed authority to practice. 46496
The individual shall be afforded an opportunity to demonstrate to 46497
the board that the individual can begin or resume the individual's 46498
occupation in compliance with acceptable and prevailing standards 46499

of care under the provisions of the individual's authority to 46500
practice. 46501

For purposes of this division, any registered nurse, licensed 46502
practical nurse, or dialysis technician or applicant under this 46503
chapter shall be deemed to have given consent to submit to a 46504
mental or physical examination when directed to do so in writing 46505
by the board, and to have waived all objections to the 46506
admissibility of testimony or examination reports that constitute 46507
a privileged communication. 46508

(H) The board shall investigate evidence that appears to show 46509
that any person has violated any provision of this chapter or any 46510
rule of the board. Any person may report to the board any 46511
information the person may have that appears to show a violation 46512
of any provision of this chapter or rule of the board. In the 46513
absence of bad faith, any person who reports such information or 46514
who testifies before the board in any adjudication conducted under 46515
Chapter 119. of the Revised Code shall not be liable for civil 46516
damages as a result of the report or testimony. 46517

(I) All of the following apply under this chapter with 46518
respect to the confidentiality of information: 46519

(1) Information received by the board pursuant to a complaint 46520
or an investigation is confidential and not subject to discovery 46521
in any civil action, except that the board may disclose 46522
information to law enforcement officers and government entities 46523
for purposes of an investigation of either a licensed health care 46524
professional, including a registered nurse, licensed practical 46525
nurse, or dialysis technician, or a person who may have engaged in 46526
the unauthorized practice of nursing or dialysis care. No law 46527
enforcement officer or government entity with knowledge of any 46528
information disclosed by the board pursuant to this division shall 46529
divulge the information to any other person or government entity 46530
except for the purpose of a government investigation, a 46531

prosecution, or an adjudication by a court or government entity. 46532

(2) If an investigation requires a review of patient records, 46533
the investigation and proceeding shall be conducted in such a 46534
manner as to protect patient confidentiality. 46535

(3) All adjudications and investigations of the board shall 46536
be considered civil actions for the purposes of section 2305.252 46537
of the Revised Code. 46538

(4) Any board activity that involves continued monitoring of 46539
an individual as part of or following any disciplinary action 46540
taken under this section shall be conducted in a manner that 46541
maintains the individual's confidentiality. Information received 46542
or maintained by the board with respect to the board's monitoring 46543
activities is not subject to discovery in any civil action and is 46544
confidential, except that the board may disclose information to 46545
law enforcement officers and government entities for purposes of 46546
an investigation of a licensee or certificate holder. 46547

(J) Any action taken by the board under this section 46548
resulting in a suspension from practice shall be accompanied by a 46549
written statement of the conditions under which the person may be 46550
reinstated to practice. 46551

(K) When the board refuses to grant a license or certificate 46552
to an applicant, revokes a license or certificate, or refuses to 46553
reinstate a license or certificate, the board may specify that its 46554
action is permanent. An individual subject to permanent action 46555
taken by the board is forever ineligible to hold a license or 46556
certificate of the type that was refused or revoked and the board 46557
shall not accept from the individual an application for 46558
reinstatement of the license or certificate or for a new license 46559
or certificate. 46560

(L) No unilateral surrender of a nursing license, ~~certificate~~ 46561
~~of authority~~, or dialysis technician certificate issued under this 46562

chapter shall be effective unless accepted by majority vote of the board. No application for a nursing license, ~~certificate of authority~~, or dialysis technician certificate issued under this chapter may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action under this section is not removed or limited when an individual has a license or certificate classified as inactive or fails to renew a license or certificate.

(M) Sanctions shall not be imposed under division (B)(24) of this section against any licensee who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

Sec. 4723.44. (A) No person shall knowingly do any of the following unless the person holds a current, valid license issued by the board of nursing under this chapter to practice nursing as an advanced practice registered nurse in the specialty indicated by the designation:

(1) Engage in the practice of nursing as an advanced practice registered nurse for a fee, salary, or other consideration, or as a volunteer;

(2) Represent the person as being an advanced practice registered nurse, including representing the person as being a certified registered nurse anesthetist, clinical nurse specialist,

certified nurse-midwife, or certified nurse practitioner; 46593

(3) Use any title or initials implying that the person is an 46594
advanced practice registered nurse, including using any title or 46595
initials implying the person is a certified registered nurse 46596
anesthetist, clinical nurse specialist, certified nurse-midwife, 46597
or certified nurse practitioner. 46598

(B) No advanced practice registered nurse shall knowingly do 46599
any of the following: 46600

(1) Engage, for a fee, salary, or other consideration, or as 46601
a volunteer, in the practice of a nursing specialty other than the 46602
specialty designated on the nurse's current, valid license issued 46603
by the board under this chapter to practice nursing as an advanced 46604
practice registered nurse; 46605

(2) Represent the person as being authorized to practice any 46606
nursing specialty other than the specialty designated on the 46607
current, valid license to practice nursing as an advanced practice 46608
registered nurse; 46609

(3) Use the title "certified registered nurse anesthetist" or 46610
the initials "N.A." or "C.R.N.A.," the title "clinical nurse 46611
specialist" or the initials "C.N.S.," the title "certified 46612
nurse-midwife" or the initials "C.N.M.," the title "certified 46613
nurse practitioner" or the initials "C.N.P.," the title "advanced 46614
practice registered nurse" or the initials "A.P.R.N.," or any 46615
other title or initials implying that the nurse is authorized to 46616
practice any nursing specialty other than the specialty designated 46617
on the nurse's current, valid license to practice nursing as an 46618
advanced practice registered nurse; 46619

(4) Except as provided in division (A)(2)(c) of section 46620
4723.431 of the Revised Code, enter into a standard care 46621
arrangement with a physician or podiatrist who is practicing in a 46622
specialty that is not the same as or similar to the nurse's 46623

nursing specialty; 46624

(5) Prescribe drugs or therapeutic devices in a manner that 46625
does not comply with section 4723.481 of the Revised Code; 46626

(6) Prescribe any drug or device to perform or induce an 46627
abortion, or otherwise perform or induce an abortion. 46628

(C) No advanced practice registered nurse who is designated 46629
as a certified registered nurse anesthetist shall knowingly use 46630
the title "anesthesiologist" or "nurse anesthesiologist" or any 46631
other title implying that the nurse is authorized to practice the 46632
medical specialty of anesthesiology. 46633

(D) No person shall knowingly employ a person to engage in 46634
the practice of nursing as an advanced practice registered nurse 46635
unless the person so employed holds a current, valid license and 46636
designation issued by the board under this chapter to practice as 46637
an advanced practice registered nurse in the specialty indicated 46638
by the designation. 46639

~~(D)~~(E) A document certified by the executive director of the 46640
board, under the official seal of the board, to the effect that it 46641
appears from the records of the board that no license to practice 46642
nursing as an advanced practice registered nurse has been issued 46643
to the person specified in the document, or that a license to 46644
practice nursing as an advanced practice registered nurse, if 46645
issued, has been revoked or suspended, shall be received as 46646
prima-facie evidence of the record of the board in any court or 46647
before any officer of the state. 46648

Sec. 4729.48. When filling a prescription, if a pharmacist, 46649
pharmacy intern, or terminal distributor of dangerous drugs has 46650
information indicating that the cost-sharing amount required by 46651
the patient's health benefit plan exceeds the amount that may 46652
otherwise be charged for the same drug, both of the following 46653

apply: 46654

(A) The pharmacist, pharmacy intern, or terminal distributor shall provide this information to the patient. 46655
46656

(B) The patient shall not be charged the higher amount. 46657

Sec. 4729.571. (A) The state board of pharmacy may suspend 46658
without a hearing the license of a terminal distributor of 46659
dangerous drugs if the board determines that there is clear and 46660
convincing evidence of a danger of immediate and serious harm to 46661
others due to either of the following: 46662

(1) The method used by the terminal distributor to possess or 46663
distribute dangerous drugs; 46664

(2) The method of prescribing dangerous drugs used by a 46665
licensed health professional authorized to prescribe drugs who 46666
holds a terminal distributor license or practices in the employ of 46667
or under contract with a terminal distributor. 46668

(B) The board shall follow the procedure for suspension 46669
without a prior hearing in section 119.07 of the Revised Code. The 46670
suspension shall remain in effect, unless removed by the board, 46671
until the board's final adjudication order becomes effective, 46672
except that if the board does not issue its final adjudication 46673
order within one hundred twenty days after the suspension, the 46674
suspension shall be void on the one hundred twenty-first day after 46675
the suspension. 46676

If the terminal distributor holds a license with a pain 46677
management clinic classification issued under section 4729.552 of 46678
the Revised Code or a license with an office-based opioid 46679
treatment classification issued under section 4729.553 of the 46680
Revised Code and the person holding the license also holds a 46681
~~certificate~~ license issued under Chapter 4731. of the Revised Code 46682
to practice medicine and surgery or osteopathic medicine and 46683

surgery, prior to suspending the license without a hearing, the 46684
board shall consult with the secretary of the state medical board 46685
or, if the secretary is unavailable, another physician member of 46686
the board. 46687

Sec. 4729.65. (A) Except as provided in division (B) of this 46688
section, all receipts of the state board of pharmacy, from any 46689
source, shall be deposited into the state treasury to the credit 46690
of the occupational licensing and regulatory fund. All vouchers of 46691
the board shall be approved by the president or executive director 46692
of the board, or both, as authorized by the board. All initial 46693
issuance fees and renewal fees required by sections 4729.01 to 46694
4729.54 of the Revised Code shall be payable by the applicant at 46695
the time of making application. 46696

(B)(1) There is hereby created in the state treasury the 46697
board of pharmacy drug law enforcement fund. All moneys that are 46698
derived from any fines, mandatory fines, or forfeited bail to 46699
which the board may be entitled under Chapter 2925., division (C) 46700
of section 2923.42, or division (B) of section 2925.42 of the 46701
Revised Code and all moneys that are derived from forfeitures of 46702
property to which the board may be entitled pursuant to Chapter 46703
2925. or 2981. of the Revised Code, any other provision of the 46704
Revised Code, or federal law shall be deposited into the fund. 46705
Subject to division (B)(2) of this section, division (B) of 46706
section 2923.44, and divisions (B), (C), and (D) of section 46707
2981.13 of the Revised Code, the moneys in the fund shall be used 46708
solely to subsidize the drug law enforcement efforts of the board. 46709

(2) There is hereby created in the state treasury the board 46710
of pharmacy federal equitable sharing justice fund and the board 46711
of pharmacy federal equitable sharing treasury fund. 46712
Notwithstanding any contrary provision in the Revised Code, moneys 46713
that are derived from forfeitures of property pursuant to federal 46714

law ~~and that are~~ shall be deposited into the board of pharmacy 46715
~~drug law enforcement federal equitable sharing justice fund or~~ 46716
~~board of pharmacy federal equitable sharing treasury fund in~~ 46717
~~accordance with division (B)(1) of this section as determined by~~ 46718
~~the source of the money,~~ shall be used and accounted for in 46719
accordance with the applicable federal law, and the board 46720
otherwise shall comply with that law in connection with the 46721
moneys. All investment earnings of the board of pharmacy federal 46722
equitable sharing justice fund shall be credited to that fund. All 46723
investment earnings of the board of pharmacy federal equitable 46724
sharing treasury fund shall be credited to that fund. 46725

(C) All fines and forfeited bonds assessed and collected 46726
under prosecution or prosecution commenced in the enforcement of 46727
this chapter shall be paid to the executive director of the board 46728
within thirty days and by the executive director paid into the 46729
state treasury to the credit of the occupational licensing and 46730
regulatory fund. 46731

(D)(1) Except as provided in divisions (D)(2) and (3) of this 46732
section, the board, subject to the approval of the controlling 46733
board, may establish fees in excess of the amounts provided by 46734
this chapter, provided that such fees do not exceed the amounts 46735
permitted by this chapter by more than fifty per cent. 46736

(2) Division (D)(1) of this section does not apply to fees 46737
required by this chapter to be established at amounts adequate to 46738
cover designated expenses. 46739

(3) Fees established under division (D)(1) of this section or 46740
described in division (D)(2) of this section are subject to the 46741
limitation on fee increases specified in division (A) of section 46742
4729.83 of the Revised Code. 46743

Sec. 4729.80. (A) If the state board of pharmacy establishes 46744
and maintains a drug database pursuant to section 4729.75 of the 46745

Revised Code, the board is authorized or required to provide 46746
information from the database only as follows: 46747

(1) On receipt of a request from a designated representative 46748
of a government entity responsible for the licensure, regulation, 46749
or discipline of health care professionals with authority to 46750
prescribe, administer, or dispense drugs, the board may provide to 46751
the representative information from the database relating to the 46752
professional who is the subject of an active investigation being 46753
conducted by the government entity or relating to a professional 46754
who is acting as an expert witness for the government entity in 46755
such an investigation. 46756

(2) On receipt of a request from a federal officer, or a 46757
state or local officer of this or any other state, whose duties 46758
include enforcing laws relating to drugs, the board shall provide 46759
to the officer information from the database relating to the 46760
person who is the subject of an active investigation of a drug 46761
abuse offense, as defined in section 2925.01 of the Revised Code, 46762
being conducted by the officer's employing government entity. 46763

(3) Pursuant to a subpoena issued by a grand jury, the board 46764
shall provide to the grand jury information from the database 46765
relating to the person who is the subject of an investigation 46766
being conducted by the grand jury. 46767

(4) Pursuant to a subpoena, search warrant, or court order in 46768
connection with the investigation or prosecution of a possible or 46769
alleged criminal offense, the board shall provide information from 46770
the database as necessary to comply with the subpoena, search 46771
warrant, or court order. 46772

(5) On receipt of a request from a prescriber or the 46773
prescriber's delegate approved by the board, the board shall 46774
provide to the prescriber a report of information from the 46775
database relating to a patient who is either a current patient of 46776

the prescriber or a potential patient of the prescriber based on a 46777
referral of the patient to the prescriber, if all of the following 46778
conditions are met: 46779

(a) The prescriber certifies in a form specified by the board 46780
that it is for the purpose of providing medical treatment to the 46781
patient who is the subject of the request; 46782

(b) The prescriber has not been denied access to the database 46783
by the board. 46784

(6) On receipt of a request from a pharmacist or the 46785
pharmacist's delegate approved by the board, the board shall 46786
provide to the pharmacist information from the database relating 46787
to a current patient of the pharmacist, if the pharmacist 46788
certifies in a form specified by the board that it is for the 46789
purpose of the pharmacist's practice of pharmacy involving the 46790
patient who is the subject of the request and the pharmacist has 46791
not been denied access to the database by the board. 46792

(7) On receipt of a request from an individual seeking the 46793
individual's own database information in accordance with the 46794
procedure established in rules adopted under section 4729.84 of 46795
the Revised Code, the board may provide to the individual the 46796
individual's own prescription history. 46797

(8) On receipt of a request from ~~a medical director or a~~ 46798
~~pharmacy director of~~ a managed care organization that has entered 46799
into a contract with the department of medicaid under section 46800
5167.10 of the Revised Code and a data security agreement with the 46801
board required by section 5167.14 of the Revised Code, the board 46802
shall provide to the ~~medical director or the pharmacy director~~ 46803
organization information from the database relating to a medicaid 46804
recipient enrolled in the ~~managed care organization~~ organization's 46805
medicaid MCO plan, as defined in section 5167.01 of the Revised 46806
Code, including information in the database related to 46807

prescriptions for the recipient that were not covered or 46808
reimbursed under a program administered by the department of 46809
medicaid. 46810

(9) On receipt of a request from the medicaid director, the 46811
board shall provide to the director information from the database 46812
relating to a recipient of a program administered by the 46813
department of medicaid, including information in the database 46814
related to prescriptions for the recipient that were not covered 46815
or paid by a program administered by the department. 46816

(10) On receipt of a request from a medical director of a 46817
managed care organization that has entered into a contract with 46818
the administrator of workers' compensation under division (B)(4) 46819
of section 4121.44 of the Revised Code and a data security 46820
agreement with the board required by section 4121.447 of the 46821
Revised Code, the board shall provide to the medical director 46822
information from the database relating to a claimant under Chapter 46823
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 46824
managed care organization, including information in the database 46825
related to prescriptions for the claimant that were not covered or 46826
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 46827
Revised Code, if the administrator of workers' compensation 46828
confirms, upon request from the board, that the claimant is 46829
assigned to the managed care organization. 46830

(11) On receipt of a request from the administrator of 46831
workers' compensation, the board shall provide to the 46832
administrator information from the database relating to a claimant 46833
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 46834
including information in the database related to prescriptions for 46835
the claimant that were not covered or reimbursed under Chapter 46836
4121., 4123., 4127., or 4131. of the Revised Code. 46837

(12) On receipt of a request from a prescriber or the 46838
prescriber's delegate approved by the board, the board shall 46839

provide to the prescriber information from the database relating 46840
to a patient's mother, if the prescriber certifies in a form 46841
specified by the board that it is for the purpose of providing 46842
medical treatment to a newborn or infant patient diagnosed as 46843
opioid dependent and the prescriber has not been denied access to 46844
the database by the board. 46845

(13) On receipt of a request from the director of health, the 46846
board shall provide to the director information from the database 46847
relating to the duties of the director or the department of health 46848
in implementing the Ohio violent death reporting system 46849
established under section 3701.93 of the Revised Code. 46850

(14) On receipt of a request from a requestor described in 46851
division (A)(1), (2), (5), or (6) of this section who is from or 46852
participating with another state's prescription monitoring 46853
program, the board may provide to the requestor information from 46854
the database, but only if there is a written agreement under which 46855
the information is to be used and disseminated according to the 46856
laws of this state. 46857

(15) On receipt of a request from a delegate of a retail 46858
dispensary licensed under Chapter 3796. of the Revised Code who is 46859
approved by the board to serve as the dispensary's delegate, the 46860
board shall provide to the delegate a report of information from 46861
the database pertaining only to a patient's use of medical 46862
marijuana, if both of the following conditions are met: 46863

(a) The delegate certifies in a form specified by the board 46864
that it is for the purpose of dispensing medical marijuana for use 46865
in accordance with Chapter 3796. of the Revised Code. 46866

(b) The retail dispensary or delegate has not been denied 46867
access to the database by the board. 46868

(16) On receipt of a request from a judge of a program 46869
certified by the Ohio supreme court as a specialized docket 46870

program for drugs, the board shall provide to the judge, or an 46871
employee of the program who is designated by the judge to receive 46872
the information, information from the database that relates 46873
specifically to a current or prospective program participant. 46874

(17) On receipt of a request from a coroner, deputy coroner, 46875
or coroner's delegate approved by the board, the board shall 46876
provide to the requestor information from the database relating to 46877
a deceased person about whom the coroner is conducting or has 46878
conducted an autopsy or investigation. 46879

(18) On receipt of a request from a prescriber, the board may 46880
provide to the prescriber a summary of the prescriber's 46881
prescribing record if such a record is created by the board. 46882
Information in the summary is subject to the confidentiality 46883
requirements of this chapter. 46884

(19)(a) On receipt of a request from a pharmacy's responsible 46885
person, the board may provide to the responsible person a summary 46886
of the pharmacy's dispensing record if such a record is created by 46887
the board. Information in the summary is subject to the 46888
confidentiality requirements of this chapter. 46889

(b) As used in division (A)(19)(a) of this section, 46890
"responsible person" has the same meaning as in rules adopted by 46891
the board under section 4729.26 of the Revised Code. 46892

(20) The board may provide information from the database 46893
without request to a prescriber or pharmacist who is authorized to 46894
use the database pursuant to this chapter. 46895

(21)(a) On receipt of a request from a prescriber or 46896
pharmacist, or the prescriber's or pharmacist's delegate, who is a 46897
designated representative of a peer review committee, the board 46898
shall provide to the committee information from the database 46899
relating to a prescriber who is subject to the committee's 46900
evaluation, supervision, or discipline if the information is to be 46901

used for one of those purposes. The board shall provide only 46902
information that it determines, in accordance with rules adopted 46903
under section 4729.84 of the Revised Code, is appropriate to be 46904
provided to the committee. 46905

(b) As used in division (A)(21)(a) of this section, "peer 46906
review committee" has the same meaning as in section 2305.25 of 46907
the Revised Code, except that it includes only a peer review 46908
committee of a hospital or a peer review committee of a nonprofit 46909
health care corporation that is a member of the hospital or of 46910
which the hospital is a member. 46911

(22) On receipt of a request from a requestor described in 46912
division (A)(5) or (6) of this section who is from or 46913
participating with a prescription monitoring program that is 46914
operated by a federal agency and approved by the board, the board 46915
may provide to the requestor information from the database, but 46916
only if there is a written agreement under which the information 46917
is to be used and disseminated according to the laws of this 46918
state. 46919

(23) Any personal health information submitted to the board 46920
pursuant to section 4729.772 of the Revised Code may be provided 46921
by the board only as authorized by the submitter of the 46922
information and in accordance with rules adopted under section 46923
4729.84 of the Revised Code. 46924

(B) The state board of pharmacy shall maintain a record of 46925
each individual or entity that requests information from the 46926
database pursuant to this section. In accordance with rules 46927
adopted under section 4729.84 of the Revised Code, the board may 46928
use the records to document and report statistics and law 46929
enforcement outcomes. 46930

The board may provide records of an individual's requests for 46931
database information only to the following: 46932

(1) A designated representative of a government entity that 46933
is responsible for the licensure, regulation, or discipline of 46934
health care professionals with authority to prescribe, administer, 46935
or dispense drugs who is involved in an active criminal or 46936
disciplinary investigation being conducted by the government 46937
entity of the individual who submitted the requests for database 46938
information; 46939

(2) A federal officer, or a state or local officer of this or 46940
any other state, whose duties include enforcing laws relating to 46941
drugs and who is involved in an active investigation being 46942
conducted by the officer's employing government entity of the 46943
individual who submitted the requests for database information; 46944

(3) A designated representative of the department of medicaid 46945
regarding a prescriber who is treating or has treated a recipient 46946
of a program administered by the department and who submitted the 46947
requests for database information. 46948

(C) Information contained in the database and any information 46949
obtained from it is confidential and is not a public record. 46950
Information contained in the records of requests for information 46951
from the database is confidential and is not a public record. 46952
Information contained in the database that does not identify a 46953
person, including any licensee or registrant of the board or other 46954
entity, may be released in summary, statistical, or aggregate 46955
form. 46956

(D) A pharmacist or prescriber shall not be held liable in 46957
damages to any person in any civil action for injury, death, or 46958
loss to person or property on the basis that the pharmacist or 46959
prescriber did or did not seek or obtain information from the 46960
database. 46961

Sec. 4729.801. If the state board of pharmacy establishes and 46962
maintains a drug database pursuant to section 4729.75 of the 46963

Revised Code, all of the following apply to each request for information from the database as described in division (A)(8) of section 4729.80 of the Revised Code:

(A) A managed care organization may submit a request to the board for information about all medicaid recipients enrolled in the organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code.

(B) The board shall provide the information described in division (A) of this section to the organization in a single electronic file or format.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the

information to a person who is approved by the board to serve as 46994
such a delegate of the prescriber, pharmacist, or retail 46995
dispensary; 46996

(d) When a prescriber or pharmacist includes the information 46997
in a medical record, as defined in section 3701.74 of the Revised 46998
Code. 46999

(2) No person shall provide false information to the state 47000
board of pharmacy with the intent to obtain or alter information 47001
contained in the drug database. 47002

(3) No person shall obtain drug database information by any 47003
means except as provided under section 4729.80 or 4729.81 of the 47004
Revised Code. 47005

(B) A person shall not use information obtained pursuant to 47006
division (A) of section 4729.80 of the Revised Code as evidence in 47007
any civil or administrative proceeding. 47008

(C)(1) Except as provided in division (C)(2) of this section, 47009
after providing notice and affording an opportunity for a hearing 47010
in accordance with Chapter 119. of the Revised Code, the board may 47011
restrict a person from obtaining further information from the drug 47012
database if any of the following is the case: 47013

(a) The person violates division (A)(1), (2), or (3) of this 47014
section; 47015

(b) The person is a requestor identified in division (A)(14) 47016
or (22) of section 4729.80 of the Revised Code and the board 47017
determines that the person's actions in another state would have 47018
constituted a violation of division (A)(1), (2), or (3) of this 47019
section; 47020

(c) The person fails to comply with division (B) of this 47021
section, regardless of the jurisdiction in which the failure to 47022
comply occurred; 47023

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4730.02. (A) No person shall hold that person out as being able to function as a physician assistant, or use any words or letters indicating or implying that the person is a physician assistant, without a current, valid license to practice as a physician assistant issued pursuant to this chapter.

(B) No person shall practice as a physician assistant without the supervision, control, and direction of a physician.

(C) No person shall practice as a physician assistant without having entered into a supervision agreement with a supervising physician under section 4730.19 of the Revised Code.

(D) No person acting as the supervising physician of a physician assistant shall authorize the physician assistant to perform services if either of the following is the case:

(1) The services are not within the physician's normal course of practice and expertise;

(2) The services are inconsistent with the supervision

agreement under which the physician assistant is being supervised, 47054
including, if applicable, the policies of the health care facility 47055
in which the physician and physician assistant are practicing. 47056

(E) No person practicing as a physician assistant shall 47057
prescribe any drug or device to perform or induce an abortion, or 47058
otherwise perform or induce an abortion. 47059

(F) No person shall advertise to provide services as a 47060
physician assistant, except for the purpose of seeking employment. 47061

(G) No person practicing as a physician assistant shall fail 47062
to wear at all times when on duty a placard, plate, or other 47063
device identifying that person as a "physician assistant." 47064

(H) Division (A) of this section does not apply to a person 47065
who meets ~~both~~ all of the following conditions: 47066

(1) The person holds in good standing a valid license or 47067
other form of authority to practice as a physician assistant 47068
issued by another state. 47069

(2) The person is practicing as a volunteer without 47070
remuneration during a charitable event that lasts not more than 47071
seven days. 47072

(3) The medical care provided by the person will be 47073
supervised by the medical director of the charitable event or by 47074
another physician. 47075

When a person meets the conditions of this division, the 47076
person shall be deemed to hold, during the course of the 47077
charitable event, a license to practice as a physician assistant 47078
from the state medical board and shall be subject to the 47079
provisions of this chapter authorizing the board to take 47080
disciplinary action against a license holder. Not less than seven 47081
calendar days before the first day of the charitable event, the 47082
person or the event's organizer shall notify the board of the 47083

person's intent to practice as a physician assistant at the event. 47084
During the course of the charitable event, the person's scope of 47085
practice is limited to the procedures that a physician assistant 47086
licensed under this chapter is authorized to perform unless the 47087
person's scope of practice in the other state is more restrictive 47088
than in this state. If the latter is the case, the person's scope 47089
of practice is limited to the procedures that a physician 47090
assistant in the other state may perform. 47091

Sec. 4730.12. (A) The state medical board shall review each 47092
application ~~received under section 4730.10 of the Revised Code~~ for 47093
a license to practice as a physician assistant received under 47094
section 4730.10 of the Revised Code. Not later than sixty days 47095
after receiving a complete application, the board shall determine 47096
whether the applicant meets the requirements to receive the 47097
license, as specified in section 4730.11 of the Revised Code. ~~An~~ 47098
~~affirmative vote of not fewer than six members of the board is~~ 47099
~~required to determine that an applicant meets the requirements to~~ 47100
~~receive a license to practice as a physician assistant.~~ 47101

(B) If the board determines that an applicant meets the 47102
requirements to receive the license, the secretary of the board 47103
shall register the applicant as a physician assistant and issue to 47104
the applicant a license to practice as a physician assistant. 47105

Sec. 4730.14. (A) A license to practice as a physician 47106
assistant shall be valid for a two-year period unless revoked or 47107
suspended, shall expire biennially on the date that is two years 47108
after the date of issuance, and may be renewed for additional 47109
two-year periods in accordance with this section. A person seeking 47110
to renew a license ~~to practice as a physician assistant shall, on~~ 47111
~~or before the thirty first day of January of each even numbered~~ 47112
~~year, apply to the state medical board for renewal of the license~~ 47113
prior to the license's expiration date. The ~~state medical~~ board 47114

shall provide renewal notices to license holders at least one 47115
month prior to the expiration date. 47116

Applications shall be submitted to the board in a manner 47117
prescribed by the board. Each application shall be accompanied by 47118
a biennial renewal fee of two hundred dollars. The board shall 47119
deposit the fees in accordance with section 4731.24 of the Revised 47120
Code. 47121

The applicant shall report any criminal offense that 47122
constitutes grounds for refusing to issue a license to practice 47123
under section 4730.25 of the Revised Code to which the applicant 47124
has pleaded guilty, of which the applicant has been found guilty, 47125
or for which the applicant has been found eligible for 47126
intervention in lieu of conviction, since last signing an 47127
application for a license to practice as a physician assistant. 47128

(B) To be eligible for renewal of a license, an applicant is 47129
subject to all of the following: 47130

(1) The applicant must certify to the board that the 47131
applicant has maintained certification by the national commission 47132
on certification of physician assistants or a successor 47133
organization that is recognized by the board by meeting the 47134
standards to hold current certification from the commission or its 47135
successor, including completion of continuing medical education 47136
requirements and passing periodic recertification examinations; 47137

(2) Except as provided in division (F) of this section and 47138
section 5903.12 of the Revised Code, the applicant must certify to 47139
the board that the applicant has completed during the current 47140
licensure period not less than one hundred hours of continuing 47141
medical education acceptable to the board. 47142

(3) The applicant must comply with the renewal eligibility 47143
requirements established under section 4730.49 of the Revised Code 47144
that pertain to the applicant. 47145

(C) The board shall adopt rules in accordance with Chapter 47146
119. of the Revised Code specifying the types of continuing 47147
medical education that must be completed to fulfill the board's 47148
requirements under division (B)(2) of this section. Except when 47149
additional continuing medical education is required, as specified 47150
in section 4730.49 of the Revised Code, the board shall not adopt 47151
rules that require a physician assistant to complete in any 47152
licensure period more than one hundred hours of continuing medical 47153
education acceptable to the board. In fulfilling the board's 47154
requirements, a physician assistant may use continuing medical 47155
education courses or programs completed to maintain certification 47156
by the national commission on certification of physician 47157
assistants or a successor organization that is recognized by the 47158
board if the standards for acceptable courses and programs of the 47159
commission or its successor are at least equivalent to the 47160
standards established by the board. 47161

(D) If an applicant submits a complete renewal application 47162
and qualifies for renewal pursuant to division (B) of this 47163
section, the board shall issue to the applicant a renewed license 47164
to practice as a physician assistant. 47165

(E) The board may require a random sample of physician 47166
assistants to submit materials documenting ~~certification~~ both of 47167
the following: 47168

(1) Certification by the national commission on certification 47169
of physician assistants or a successor organization that is 47170
recognized by the board ~~and completion of;~~ 47171

(2) Completion of the required number of hours of continuing 47172
medical education. 47173

(F) The board shall provide for pro rata reductions by month 47174
of the number of hours of continuing education that must be 47175
completed for individuals who are in their first licensure period, 47176

who have been disabled due to illness or accident, or who have
been absent from the country. The board shall adopt rules, in
accordance with Chapter 119. of the Revised Code, as necessary to
implement this division.

(G)(1) A license to practice that is not renewed on or before
its expiration date is automatically suspended on its expiration
date. Continued practice after suspension of the license shall be
considered as practicing in violation of division (A) of section
4730.02 of the Revised Code.

(2) If a license has been suspended pursuant to division
(G)(1) of this section for two years or less, it may be
reinstated. The board shall reinstate a license suspended for
failure to renew upon an applicant's submission of a renewal
application, the biennial renewal fee, and any applicable monetary
penalty.

If a license has been suspended pursuant to division (G)(1)
of this section for more than two years, it may be restored. In
accordance with section 4730.28 of the Revised Code, the board may
restore a license suspended for failure to renew upon an
applicant's submission of a restoration application, the biennial
renewal fee, and any applicable monetary penalty and compliance
with sections 4776.01 to 4776.04 of the Revised Code. The board
shall not restore to an applicant a license to practice as a
physician assistant unless the board, in its discretion, decides
that the results of the criminal records check do not make the
applicant ineligible for a license issued pursuant to section
4730.12 of the Revised Code.

The penalty for reinstatement shall be fifty dollars and the
penalty for restoration shall be one hundred dollars. The board
shall deposit penalties in accordance with section 4731.24 of the
Revised Code.

(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a license to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars.

A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4730.25 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. The board shall not conduct an adjudication under Chapter 119. of the Revised Code if the board imposes only a civil penalty.

Sec. 4730.19. (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision.

The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant.

(B) A supervision agreement shall include either or both of the following:

(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of the health care facility.

(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following:

(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant;

(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;

(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;

(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;

(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.

(C) A supervision agreement may be amended to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants.

(D) A The supervising physician who entered into a supervision agreement shall ~~be kept~~ retain a copy of the agreement in the records maintained by the supervising physician. Each physician assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the physician assistant.

(E)(1) ~~The~~ If the board may impose a civil penalty of not

~~more than five thousand dollars if it finds,~~ through a review 47269
conducted under this section or through any other means, any of 47270
the following, the board may take disciplinary action against the 47271
individual under section 4730.25 or 4731.22 of the Revised Code, 47272
impose a civil penalty, or both: 47273

(a) That a physician assistant has practiced in a manner that 47274
departs from, or fails to conform to, the terms of a supervision 47275
agreement entered into under this section; 47276

(b) That a physician has supervised a physician assistant in 47277
a manner that departs from, or fails to conform to, the terms of a 47278
supervision agreement entered into under this section; 47279

(c) That a physician or physician assistant failed to comply 47280
with division (A) or (B) of this section. 47281

(2) If the board finds, through a review conducted under this 47282
section or through any other means, that a physician or physician 47283
assistant failed to comply with division (D) of this section, the 47284
board may do either of the following: 47285

(a) Take disciplinary action against the individual under 47286
section 4730.25 or 4731.22 of the Revised Code, impose a civil 47287
penalty, or both; 47288

(b) Permit the individual to agree in writing to update the 47289
records to comply with division (D) of this section and pay a 47290
civil penalty. 47291

(3) The board's finding in any disciplinary action taken 47292
under division ~~(A)(1)(E)~~ of this section shall be made pursuant to 47293
an adjudication conducted under Chapter 119. of the Revised Code. 47294
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(4) A civil penalty imposed under that division may be in 47296
addition to or in lieu of any other action the board may take 47297
under section 4730.25 or 4731.22 of the Revised Code (E)(1) or 47298

(2)(a) of this section or paid under division (E)(2)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code.

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Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

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(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

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(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or

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physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or	47360
a judicial finding of eligibility for intervention in lieu of	47361
conviction for, a felony;	47362
(12) Commission of an act that constitutes a felony in this	47363
state, regardless of the jurisdiction in which the act was	47364
committed;	47365
(13) A plea of guilty to, a judicial finding of guilt of, or	47366
a judicial finding of eligibility for intervention in lieu of	47367
conviction for, a misdemeanor committed in the course of practice;	47368
(14) A plea of guilty to, a judicial finding of guilt of, or	47369
a judicial finding of eligibility for intervention in lieu of	47370
conviction for, a misdemeanor involving moral turpitude;	47371
(15) Commission of an act in the course of practice that	47372
constitutes a misdemeanor in this state, regardless of the	47373
jurisdiction in which the act was committed;	47374
(16) Commission of an act involving moral turpitude that	47375
constitutes a misdemeanor in this state, regardless of the	47376
jurisdiction in which the act was committed;	47377
(17) A plea of guilty to, a judicial finding of guilt of, or	47378
a judicial finding of eligibility for intervention in lieu of	47379
conviction for violating any state or federal law regulating the	47380
possession, distribution, or use of any drug, including	47381
trafficking in drugs;	47382
(18) Any of the following actions taken by the state agency	47383
responsible for regulating the practice of physician assistants in	47384
another state, for any reason other than the nonpayment of fees:	47385
the limitation, revocation, or suspension of an individual's	47386
license to practice; acceptance of an individual's license	47387
surrender; denial of a license; refusal to renew or reinstate a	47388
license; imposition of probation; or issuance of an order of	47389
censure or other reprimand;	47390

- (19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established; 47391
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- (20) Violation of the conditions placed by the board on a license to practice as a physician assistant; 47395
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- (21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 47397
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- (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 47400
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- (23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 47409
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- (24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 47411
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- (25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 47413
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- (26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 47416
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- (27) Having certification by the national commission on 47420

certification of physician assistants or a successor organization 47421
expire, lapse, or be suspended or revoked; 47422

(28) The revocation, suspension, restriction, reduction, or 47423
termination of clinical privileges by the United States department 47424
of defense or department of veterans affairs or the termination or 47425
suspension of a certificate of registration to prescribe drugs by 47426
the drug enforcement administration of the United States 47427
department of justice. 47428

(C) Disciplinary actions taken by the board under divisions 47429
(A) and (B) of this section shall be taken pursuant to an 47430
adjudication under Chapter 119. of the Revised Code, except that 47431
in lieu of an adjudication, the board may enter into a consent 47432
agreement with a physician assistant or applicant to resolve an 47433
allegation of a violation of this chapter or any rule adopted 47434
under it. A consent agreement, when ratified by an affirmative 47435
vote of not fewer than six members of the board, shall constitute 47436
the findings and order of the board with respect to the matter 47437
addressed in the agreement. If the board refuses to ratify a 47438
consent agreement, the admissions and findings contained in the 47439
consent agreement shall be of no force or effect. 47440

(D) For purposes of divisions (B)(12), (15), and (16) of this 47441
section, the commission of the act may be established by a finding 47442
by the board, pursuant to an adjudication under Chapter 119. of 47443
the Revised Code, that the applicant or license holder committed 47444
the act in question. The board shall have no jurisdiction under 47445
these divisions in cases where the trial court renders a final 47446
judgment in the license holder's favor and that judgment is based 47447
upon an adjudication on the merits. The board shall have 47448
jurisdiction under these divisions in cases where the trial court 47449
issues an order of dismissal upon technical or procedural grounds. 47450

(E) The sealing of conviction records by any court shall have 47451
no effect upon a prior board order entered under the provisions of 47452

this section or upon the board's jurisdiction to take action under 47453
the provisions of this section if, based upon a plea of guilty, a 47454
judicial finding of guilt, or a judicial finding of eligibility 47455
for intervention in lieu of conviction, the board issued a notice 47456
of opportunity for a hearing prior to the court's order to seal 47457
the records. The board shall not be required to seal, destroy, 47458
redact, or otherwise modify its records to reflect the court's 47459
sealing of conviction records. 47460

(F) For purposes of this division, any individual who holds a 47461
license issued under this chapter, or applies for a license issued 47462
under this chapter, shall be deemed to have given consent to 47463
submit to a mental or physical examination when directed to do so 47464
in writing by the board and to have waived all objections to the 47465
admissibility of testimony or examination reports that constitute 47466
a privileged communication. 47467

(1) In enforcing division (B)(4) of this section, the board, 47468
upon a showing of a possible violation, may compel any individual 47469
who holds a license issued under this chapter or who has applied 47470
for a license pursuant to this chapter to submit to a mental 47471
examination, physical examination, including an HIV test, or both 47472
a mental and physical examination. The expense of the examination 47473
is the responsibility of the individual compelled to be examined. 47474
Failure to submit to a mental or physical examination or consent 47475
to an HIV test ordered by the board constitutes an admission of 47476
the allegations against the individual unless the failure is due 47477
to circumstances beyond the individual's control, and a default 47478
and final order may be entered without the taking of testimony or 47479
presentation of evidence. If the board finds a physician assistant 47480
unable to practice because of the reasons set forth in division 47481
(B)(4) of this section, the board shall require the physician 47482
assistant to submit to care, counseling, or treatment by 47483
physicians approved or designated by the board, as a condition for 47484

an initial, continued, reinstated, or renewed license. An 47485
individual affected under this division shall be afforded an 47486
opportunity to demonstrate to the board the ability to resume 47487
practicing in compliance with acceptable and prevailing standards 47488
of care. 47489

(2) For purposes of division (B)(5) of this section, if the 47490
board has reason to believe that any individual who holds a 47491
license issued under this chapter or any applicant for a license 47492
suffers such impairment, the board may compel the individual to 47493
submit to a mental or physical examination, or both. The expense 47494
of the examination is the responsibility of the individual 47495
compelled to be examined. Any mental or physical examination 47496
required under this division shall be undertaken by a treatment 47497
provider or physician qualified to conduct such examination and 47498
chosen by the board. 47499

Failure to submit to a mental or physical examination ordered 47500
by the board constitutes an admission of the allegations against 47501
the individual unless the failure is due to circumstances beyond 47502
the individual's control, and a default and final order may be 47503
entered without the taking of testimony or presentation of 47504
evidence. If the board determines that the individual's ability to 47505
practice is impaired, the board shall suspend the individual's 47506
license or deny the individual's application and shall require the 47507
individual, as a condition for initial, continued, reinstated, or 47508
renewed licensure, to submit to treatment. 47509

Before being eligible to apply for reinstatement of a license 47510
suspended under this division, the physician assistant shall 47511
demonstrate to the board the ability to resume practice or 47512
prescribing in compliance with acceptable and prevailing standards 47513
of care. The demonstration shall include the following: 47514

(a) Certification from a treatment provider approved under 47515
section 4731.25 of the Revised Code that the individual has 47516

successfully completed any required inpatient treatment; 47517

(b) Evidence of continuing full compliance with an aftercare 47518
contract or consent agreement; 47519

(c) Two written reports indicating that the individual's 47520
ability to practice has been assessed and that the individual has 47521
been found capable of practicing according to acceptable and 47522
prevailing standards of care. The reports shall be made by 47523
individuals or providers approved by the board for making such 47524
assessments and shall describe the basis for their determination. 47525

The board may reinstate a license suspended under this 47526
division after such demonstration and after the individual has 47527
entered into a written consent agreement. 47528

When the impaired physician assistant resumes practice or 47529
prescribing, the board shall require continued monitoring of the 47530
physician assistant. The monitoring shall include compliance with 47531
the written consent agreement entered into before reinstatement or 47532
with conditions imposed by board order after a hearing, and, upon 47533
termination of the consent agreement, submission to the board for 47534
at least two years of annual written progress reports made under 47535
penalty of falsification stating whether the physician assistant 47536
has maintained sobriety. 47537

(G) If the secretary and supervising member determine that 47538
there is clear and convincing evidence that a physician assistant 47539
has violated division (B) of this section and that the 47540
individual's continued practice or prescribing presents a danger 47541
of immediate and serious harm to the public, they may recommend 47542
that the board suspend the individual's license without a prior 47543
hearing. Written allegations shall be prepared for consideration 47544
by the board. 47545

The board, upon review of those allegations and by an 47546
affirmative vote of not fewer than six of its members, excluding 47547

the secretary and supervising member, may suspend a license 47548
without a prior hearing. A telephone conference call may be 47549
utilized for reviewing the allegations and taking the vote on the 47550
summary suspension. 47551

The board shall issue a written order of suspension by 47552
certified mail or in person in accordance with section 119.07 of 47553
the Revised Code. The order shall not be subject to suspension by 47554
the court during pendency of any appeal filed under section 119.12 47555
of the Revised Code. If the physician assistant requests an 47556
adjudicatory hearing by the board, the date set for the hearing 47557
shall be within fifteen days, but not earlier than seven days, 47558
after the physician assistant requests the hearing, unless 47559
otherwise agreed to by both the board and the license holder. 47560

A summary suspension imposed under this division shall remain 47561
in effect, unless reversed on appeal, until a final adjudicative 47562
order issued by the board pursuant to this section and Chapter 47563
119. of the Revised Code becomes effective. The board shall issue 47564
its final adjudicative order within sixty days after completion of 47565
its hearing. Failure to issue the order within sixty days shall 47566
result in dissolution of the summary suspension order, but shall 47567
not invalidate any subsequent, final adjudicative order. 47568

(H) If the board takes action under division (B)(11), (13), 47569
or (14) of this section, and the judicial finding of guilt, guilty 47570
plea, or judicial finding of eligibility for intervention in lieu 47571
of conviction is overturned on appeal, upon exhaustion of the 47572
criminal appeal, a petition for reconsideration of the order may 47573
be filed with the board along with appropriate court documents. 47574
Upon receipt of a petition and supporting court documents, the 47575
board shall reinstate the individual's license. The board may then 47576
hold an adjudication under Chapter 119. of the Revised Code to 47577
determine whether the individual committed the act in question. 47578
Notice of opportunity for hearing shall be given in accordance 47579

with Chapter 119. of the Revised Code. If the board finds, 47580
pursuant to an adjudication held under this division, that the 47581
individual committed the act, or if no hearing is requested, it 47582
may order any of the sanctions identified under division (B) of 47583
this section. 47584

(I) The license to practice issued to a physician assistant 47585
and the physician assistant's practice in this state are 47586
automatically suspended as of the date the physician assistant 47587
pleads guilty to, is found by a judge or jury to be guilty of, or 47588
is subject to a judicial finding of eligibility for intervention 47589
in lieu of conviction in this state or treatment or intervention 47590
in lieu of conviction in another state for any of the following 47591
criminal offenses in this state or a substantially equivalent 47592
criminal offense in another jurisdiction: aggravated murder, 47593
murder, voluntary manslaughter, felonious assault, kidnapping, 47594
rape, sexual battery, gross sexual imposition, aggravated arson, 47595
aggravated robbery, or aggravated burglary. Continued practice 47596
after the suspension shall be considered practicing without a 47597
license. 47598

The board shall notify the individual subject to the 47599
suspension by certified mail or in person in accordance with 47600
section 119.07 of the Revised Code. If an individual whose license 47601
is suspended under this division fails to make a timely request 47602
for an adjudication under Chapter 119. of the Revised Code, the 47603
board shall enter a final order permanently revoking the 47604
individual's license to practice. 47605

(J) In any instance in which the board is required by Chapter 47606
119. of the Revised Code to give notice of opportunity for hearing 47607
and the individual subject to the notice does not timely request a 47608
hearing in accordance with section 119.07 of the Revised Code, the 47609
board is not required to hold a hearing, but may adopt, by an 47610
affirmative vote of not fewer than six of its members, a final 47611

order that contains the board's findings. In that final order, the 47612
board may order any of the sanctions identified under division (A) 47613
or (B) of this section. 47614

(K) Any action taken by the board under division (B) of this 47615
section resulting in a suspension shall be accompanied by a 47616
written statement of the conditions under which the physician 47617
assistant's license may be reinstated. The board shall adopt rules 47618
in accordance with Chapter 119. of the Revised Code governing 47619
conditions to be imposed for reinstatement. Reinstatement of a 47620
license suspended pursuant to division (B) of this section 47621
requires an affirmative vote of not fewer than six members of the 47622
board. 47623

(L) When the board refuses to grant or issue to an applicant 47624
a license to practice as a physician assistant, revokes an 47625
individual's license, refuses to renew an individual's license, or 47626
refuses to reinstate an individual's license, the board may 47627
specify that its action is permanent. An individual subject to a 47628
permanent action taken by the board is forever thereafter 47629
ineligible to hold the license and the board shall not accept an 47630
application for reinstatement of the license or for issuance of a 47631
new license. 47632

(M) Notwithstanding any other provision of the Revised Code, 47633
all of the following apply: 47634

(1) The surrender of a license issued under this chapter is 47635
not effective unless or until accepted by the board. Reinstatement 47636
of a license surrendered to the board requires an affirmative vote 47637
of not fewer than six members of the board. 47638

(2) An application made under this chapter for a license may 47639
not be withdrawn without approval of the board. 47640

(3) Failure by an individual to renew a license in accordance 47641
with section 4730.14 of the Revised Code shall not remove or limit 47642

the board's jurisdiction to take disciplinary action under this 47643
section against the individual. 47644

~~Sec. 4730.28. (A) An individual whose license to practice as 47645
a physician assistant issued under this chapter has been suspended 47646
or is in an inactive state for any cause for more than two years 47647
may apply to the state medical board to have the license restored. 47648~~

~~(B)(1) The board shall not restore a license under this 47649
section unless the applicant complies with sections 4776.01 to 47650
4776.04 of the Revised Code. The board shall determine the 47651
applicant's present fitness to resume practice. The board shall 47652
consider the moral background and the activities of the applicant 47653
during the period of suspension or inactivity. 47654~~

~~(2) When restoring a license, the board may impose terms and 47655
conditions, including the following: 47656~~

~~(a) Requiring the applicant to obtain additional training and 47657
pass an examination upon completion of the training; 47658~~

~~(b) Restricting or limiting the extent, scope, or type of 47659
practice as a physician assistant that the individual may resume 47660
This section applies to both of the following: 47661~~

~~(1) An applicant seeking restoration of a license issued 47662
under this chapter that has been in a suspended or inactive state 47663
for any cause for more than two years; 47664~~

~~(2) An applicant seeking issuance of a license pursuant to 47665
this chapter who for more than two years has not been practicing 47666
as a physician assistant as either of the following: 47667~~

~~(a) An active practitioner; 47668~~

~~(b) A student in a program as described in division (B) or 47669
(C) of section 4730.11 of the Revised Code. 47670~~

~~(B) Before issuing a license to an applicant subject to this 47671~~

section or restoring a license to good standing for an applicant 47672
subject to this section, the state medical board may impose terms 47673
and conditions including any one or more of the following: 47674

(1) Requiring the applicant to pass an oral or written 47675
examination, or both, to determine the applicant's present fitness 47676
to resume practice; 47677

(2) Requiring the applicant to obtain additional training and 47678
to pass an examination upon completion of such training; 47679

(3) Requiring an assessment of the applicant's physical 47680
skills for purposes of determining whether the applicant's 47681
coordination, fine motor skills, and dexterity are sufficient for 47682
performing evaluations and procedures in a manner that meets the 47683
minimal standards of care; 47684

(4) Requiring an assessment of the applicant's skills in 47685
recognizing and understanding diseases and conditions; 47686

(5) Requiring the applicant to undergo a comprehensive 47687
physical examination, which may include an assessment of physical 47688
abilities, evaluation of sensory capabilities, or screening for 47689
the presence of neurological disorders; 47690

(6) Restricting or limiting the extent, scope, or type of 47691
practice of the applicant. 47692

The board shall consider the moral background and the 47693
activities of the applicant during the period of suspension or 47694
inactivity. The board shall not issue or restore a license under 47695
this section unless the applicant complies with sections 4776.01 47696
to 4776.04 of the Revised Code. 47697

Sec. 4730.43. (A) A physician assistant who holds a valid 47698
prescriber number issued by the state medical board and has been 47699
granted physician-delegated prescriptive authority may personally 47700
furnish to a patient samples of drugs and therapeutic devices that 47701

are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47702
47703

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the physician assistant may furnish the sample in the package amount. 47704
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(2) No charge may be imposed for the sample or for furnishing it. 47709
47710

(3) Samples of controlled substances may not be personally furnished. 47711
47712

(B) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47713
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(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia. 47720
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(2) The physician assistant shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program. 47725
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(3) The physician assistant shall comply with all standards 47731

and procedures for personally furnishing supplies of drugs and 47732
devices, as established in rules adopted under section 4730.39 of 47733
the Revised Code. 47734

Sec. 4730.49. (A) To be eligible for renewal of a license to 47735
practice as a physician assistant, an applicant who has been 47736
granted physician-delegated prescriptive authority is subject to 47737
both of the following: 47738

(1) The applicant shall complete every two years at least 47739
twelve hours of continuing education in pharmacology obtained 47740
through a program or course approved by the state medical board or 47741
a person the board has authorized to approve continuing 47742
pharmacology education programs and courses. Except as provided ~~in~~ 47743
~~division (B) of this section and~~ in section 5903.12 of the Revised 47744
Code, the continuing education shall be completed not later than 47745
the ~~thirty first day of January of each even numbered year~~ date on 47746
which the applicant's license expires. 47747

(2)(a) Except as provided in division (A)(2)(b) of this 47748
section, in the case of an applicant who prescribes opioid 47749
analgesics or benzodiazepines, as defined in section 3719.01 of 47750
the Revised Code, the applicant shall certify to the board whether 47751
the applicant has been granted access to the drug database 47752
established and maintained by the state board of pharmacy pursuant 47753
to section 4729.75 of the Revised Code. 47754

(b) The requirement described in division (A)(2)(a) of this 47755
section does not apply if any of the following is the case: 47756

(i) The state board of pharmacy notifies the state medical 47757
board pursuant to section 4729.861 of the Revised Code that the 47758
applicant has been restricted from obtaining further information 47759
from the drug database. 47760

(ii) The state board of pharmacy no longer maintains the drug 47761

database. 47762

(iii) The applicant does not practice as a physician 47763
assistant in this state. 47764

(c) If an applicant certifies to the state medical board that 47765
the applicant has been granted access to the drug database and the 47766
board finds through an audit or other means that the applicant has 47767
not been granted access, the board may take action under section 47768
4730.25 of the Revised Code. 47769

(B) The state medical board shall provide for pro rata 47770
reductions by month of the number of hours of continuing education 47771
in pharmacology that is required to be completed for physician 47772
assistants ~~who are in their first licensure period after~~ 47773
~~completing the period of supervision required under section~~ 47774
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 47775
or accident, or ~~who~~ have been absent from the country. The board 47776
shall adopt rules, in accordance with Chapter 119. of the Revised 47777
Code, as necessary to implement this division. 47778

(C) The continuing education required by this section is in 47779
addition to the continuing education required under section 47780
4730.14 of the Revised Code. 47781

(D) If the board chooses to authorize persons to approve 47782
continuing pharmacology education programs and courses, it shall 47783
establish standards for granting that authority and grant the 47784
authority in accordance with the standards. 47785

Sec. 4731.04. As used in this chapter: 47786

(A) "Cosmetic therapy" means the permanent removal of hair 47787
from the human body through the use of electric modalities 47788
approved by the state medical board for use in cosmetic therapy 47789
and may include the systematic friction, stroking, slapping, and 47790
kneading or tapping of the face, neck, scalp, or shoulders. 47791

(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.

(C) "Graduate medical education" means education received through any of the following:

(1) An internship ~~or~~, residency, or clinical fellowship program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(2) A clinical fellowship program that is not accredited as described in division (C)(1) of this section, but is conducted in the United States at an institution with a residency program that is accredited ~~by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that~~ as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;

(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.

(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal

physiologic range of motion; and adjunctive thereto, the external 47823
application of water, heat, cold, topical preparations, and 47824
mechanical devices. 47825

Sec. 4731.05. (A) The state medical board shall adopt rules 47826
in accordance with Chapter 119. of the Revised Code to carry out 47827
the purposes of this chapter. All adjudicative proceedings of the 47828
state medical board shall be conducted in accordance with Chapter 47829
119. of the Revised Code. 47830

(B) The state medical board shall appoint an executive 47831
director who shall be in the unclassified service of the state. 47832
The board may appoint other employees of the board as are 47833
necessary and shall prescribe their titles and duties. 47834

(C) The state medical board shall develop requirements for 47835
and provide appropriate initial and continuing training for 47836
investigators employed by the board to carry out its duties under 47837
Chapter 4731. of the Revised Code. The training and continuing 47838
education may include enrollment in courses operated or approved 47839
by the Ohio peace officer training commission that the board 47840
considers appropriate under conditions set forth in section 109.79 47841
of the Revised Code. 47842

(D)(1) The state medical board shall adopt internal 47843
management rules pursuant to section 111.15 of the Revised Code. 47844
The rules shall set forth criteria for assessing the board's 47845
accomplishments, activities, and performance data, including 47846
metrics detailing the board's revenues and reimbursements; budget 47847
distribution; investigation and licensing activity, including 47848
issuance of licenses and processing time frames; and enforcement 47849
data, including processing time frames. The board shall include 47850
the assessment in the annual report required by section 149.01 of 47851
the Revised Code. 47852

(2) The state medical board shall cause the internal 47853

management rules and annual report described in division (D)(1) of 47854
this section to be publicly accessible on the state medical 47855
board's web site. 47856

Sec. 4731.07. (A) The state medical board shall keep a record 47857
of its proceedings. The minutes of a meeting of the board shall, 47858
on approval by the board, constitute an official record of its 47859
proceedings. 47860

(B) The board shall keep a register of applicants for 47861
licenses and certificates issued under this chapter and Chapters 47862
4760., 4762., and 4774. of the Revised Code and; licenses issued 47863
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 47864
4774., and 4778.; and licenses and limited permits issued under 47865
Chapters 4759. and 4761. of the Revised Code. The register shall 47866
show the name of the applicant and whether the applicant was 47867
granted or refused a certificate or the license, certificate, or 47868
limited permit being sought. With 47869

With respect to applicants to practice medicine and surgery 47870
or osteopathic medicine and surgery, the register shall show the 47871
name of the institution that granted the applicant the degree of 47872
doctor of medicine or osteopathic medicine. With respect to 47873
applicants to practice respiratory care, the register shall show 47874
the addresses of the person's last known place of business and 47875
residence, the effective date and identification number of the 47876
license or limited permit, and, if applicable, the name and 47877
location of the institution that granted the person's degree or 47878
certificate of completion of respiratory care educational 47879
requirements, and the date the degree or certificate of completion 47880
was issued. ~~The~~ 47881

(C) The books and records of the board shall be prima-facie 47882
evidence of matters therein contained. 47883

Sec. 4731.14. (A) The state medical board shall review all 47884
applications submitted under section 4731.09 or 4731.296 of the 47885
Revised Code and determine whether each applicant meets the 47886
requirements for a license to practice medicine and surgery or 47887
osteopathic medicine and surgery. ~~An affirmative vote of not fewer 47888~~
~~than six members of the board is necessary for the board to 47889~~
~~determine that an applicant meets the requirements for a license. 47890~~

(B) If the board determines that the evidence submitted with 47891
an application is satisfactory and the applicant meets the 47892
requirements for a license, the board shall issue to the applicant 47893
a license to practice medicine and surgery or osteopathic medicine 47894
and surgery, as applicable. If the applicant holds a medical 47895
degree other than the degree of doctor of medicine or doctor of 47896
osteopathic medicine, the license shall indicate that the 47897
applicant is authorized to practice medicine and surgery pursuant 47898
to the laws of this state. Each license issued by the board shall 47899
be signed by its president and secretary, and attested by its 47900
seal. 47901

(C) The holder of a license to practice medicine and surgery 47902
issued under this chapter may use the titles "Dr.," "doctor," 47903
"M.D.," or "physician." The holder of a license to practice 47904
osteopathic medicine and surgery issued under this chapter may use 47905
the titles "Dr.," "doctor," "D.O.," or "physician." 47906

(D) The holder of a license issued under this section shall 47907
either provide verification of licensure status from the board's 47908
internet web site on request or prominently display a wall 47909
certificate in the license holder's office or place where the 47910
majority of the holder's practice is conducted. 47911

Sec. 4731.15. (A) The state medical board also shall regulate 47912
the following limited branches of medicine: massage therapy and 47913

cosmetic therapy, and to the extent specified in section 4731.151 47914
of the Revised Code, naprapathy and mechanotherapy. The board 47915
shall adopt rules governing the limited branches of medicine under 47916
its jurisdiction. The rules shall be adopted in accordance with 47917
Chapter 119. of the Revised Code. 47918

(B) A ~~eertificate~~ license to practice a limited branch of 47919
medicine issued by the state medical board is valid for a two-year 47920
period, ~~except when an initial certificate is issued for a shorter~~ 47921
~~period or when division (C)(2) of this section is applicable~~ 47922
unless revoked or suspended and expires on the date that is two 47923
years after the date of issuance. The ~~eertificate~~ license may be 47924
renewed for additional two-year periods in accordance with 47925
division (C) of this section. 47926

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 47927
~~both~~ Both of the following apply with respect to the renewal of 47928
~~eertificates~~ licenses to practice a limited branch of medicine: 47929

~~(a)(1)~~ Each person seeking to renew a ~~eertificate~~ license to 47930
practice a limited branch of medicine shall apply for biennial 47931
renewal with the state medical board in a manner prescribed by the 47932
board. An applicant for renewal shall pay a biennial renewal fee 47933
of one hundred dollars. 47934

~~(b)(2)~~ At least one month before a ~~eertificate~~ license 47935
expires, the board shall provide a renewal notice to the 47936
~~eertificate~~ license holder. 47937

~~(2) The board shall implement a staggered renewal system that~~ 47938
~~is substantially similar to the staggered renewal system the board~~ 47939
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 47940

(D) All persons who hold a ~~eertificate~~ license to practice a 47941
limited branch of medicine issued by the state medical board shall 47942
provide the board notice of any change of address. The notice 47943
shall be submitted to the board not later than thirty days after 47944

the change of address. 47945

(E) A ~~certificate~~ license to practice a limited branch of 47946
medicine shall be automatically suspended if the ~~certificate~~ 47947
license holder fails to renew the ~~certificate~~ license in 47948
accordance with division (C) of this section. Continued practice 47949
after the suspension of the ~~certificate~~ license to practice shall 47950
be considered as practicing in violation of sections 4731.34 and 47951
4731.41 of the Revised Code. 47952

If a ~~certificate to practice~~ license has been suspended 47953
pursuant to this division for two years or less, it may be 47954
reinstated. The board shall reinstate the ~~certificate~~ license upon 47955
an applicant's submission of a renewal application and payment of 47956
a reinstatement fee of one hundred twenty-five dollars. With 47957
regard to reinstatement of a ~~certificate~~ license to practice 47958
cosmetic therapy, the applicant also shall submit with the 47959
application a certification that the number of hours of continuing 47960
education necessary to have a suspended ~~certificate~~ license 47961
reinstated have been completed, as specified in rules the board 47962
shall adopt in accordance with Chapter 119. of the Revised Code. 47963

If a ~~certificate~~ license has been suspended pursuant to this 47964
division for more than two years, it may be restored. Subject to 47965
section 4731.222 of the Revised Code, the board may restore the 47966
~~certificate~~ license upon an applicant's submission of a 47967
restoration application and a restoration fee of one hundred fifty 47968
dollars and compliance with sections 4776.01 to 4776.04 of the 47969
Revised Code. The board shall not restore to an applicant a 47970
~~certificate~~ license to practice unless the board, in its 47971
discretion, decides that the results of the criminal records check 47972
do not make the applicant ineligible for a ~~certificate~~ license 47973
issued pursuant to section 4731.17 of the Revised Code. 47974

Sec. 4731.155. The state medical board may adopt rules that 47975

establish continuing education requirements for renewal under 47976
section 4731.15 of the Revised Code of a ~~certificate~~ license to 47977
practice a limited branch of medicine. The rules shall be adopted 47978
in accordance with Chapter 119. of the Revised Code. 47979

Sec. 4731.17. (A) The state medical board shall review all 47980
applications received under section 4731.19 of the Revised Code. 47981
The board shall determine whether an applicant meets the 47982
requirements for a ~~certificate~~ license to practice the applicable 47983
limited branch of medicine. ~~An affirmative vote of not fewer than~~ 47984
~~six members of the board is required to determine that an~~ 47985
~~applicant meets the requirements for a certificate.~~ 47986

(B) If the board determines that the applicant meets the 47987
requirements for a ~~certificate~~ license and that the documentation 47988
required for a ~~certificate~~ license is acceptable, the board shall 47989
issue to the applicant the appropriate ~~certificate~~ license to 47990
practice. Each ~~certificate~~ license shall be signed by the 47991
president and secretary of the board and attested by its seal. 47992

(C) A ~~certificate~~ license shall authorize the holder to 47993
practice the limited branch of medicine for which the ~~certificate~~ 47994
license was issued. No person who holds a ~~certificate~~ license to 47995
practice a limited branch of medicine issued by the board under 47996
this section shall do any of the following: 47997

(1) Practice a limited branch of medicine other than the 47998
limited branch of medicine for which the ~~certificate~~ license was 47999
issued; 48000

(2) Treat infectious, contagious, or venereal diseases; 48001

(3) Prescribe or administer drugs; 48002

(4) Perform surgery or practice medicine in any other form. 48003

Sec. 4731.171. In addition to any other eligibility 48004

requirement set forth in this chapter, each applicant for a 48005
~~certificate~~ license to practice massage therapy or cosmetic 48006
therapy shall comply with sections 4776.01 to 4776.04 of the 48007
Revised Code. The state medical board shall not grant to an 48008
applicant a ~~certificate~~ license to practice massage therapy or 48009
cosmetic therapy unless the board, in its discretion, decides that 48010
the results of the criminal records check do not make the 48011
applicant ineligible for a ~~certificate~~ license issued pursuant to 48012
section 4731.17 of the Revised Code. 48013

Sec. 4731.19. (A) A person seeking a ~~certificate~~ license to 48014
practice a limited branch of medicine shall file with the state 48015
medical board an application in a manner prescribed by the board. 48016
The application shall include or be accompanied by all of the 48017
following: 48018

(1) Evidence that the applicant is at least eighteen years of 48019
age and of good moral character; 48020

(2) Evidence that the applicant has attained high school 48021
graduation or its equivalent; 48022

(3) Evidence that the applicant holds one of the following: 48023

(a) A diploma or certificate from a school, college, or 48024
institution in good standing as determined by the board, showing 48025
the completion of the required courses of instruction; 48026

(b) A diploma or certificate from a school, college, or 48027
institution in another state or jurisdiction showing completion of 48028
a course of instruction that meets course requirements determined 48029
by the board through rules adopted under section 4731.05 of the 48030
Revised Code; 48031

(c) ~~For not less than five years~~ During the five-year period 48032
immediately preceding the date of application, a current license, 48033
registration, or certificate in good standing in another state for 48034

massage therapy or cosmetic therapy. 48035

(4) Evidence that the applicant has successfully passed an 48036
examination, prescribed in rules described in section 4731.16 of 48037
the Revised Code, to determine competency to practice the 48038
applicable limited branch of medicine; 48039

(5) An attestation that the information submitted under this 48040
section is accurate and truthful and that the applicant consents 48041
to release of information; 48042

(6) Any other information the board requires. 48043

(B) An applicant for a ~~certificate~~ license to practice a 48044
limited branch of medicine shall comply with the requirements of 48045
section 4731.171 of the Revised Code. 48046

(C) At the time of making application for a ~~certificate~~ 48047
license to practice a limited branch of medicine, the applicant 48048
shall pay to the board a fee of one hundred fifty dollars, no part 48049
of which shall be returned. No application shall be considered 48050
filed until the board receives the appropriate fee. 48051

(D) The board may investigate the application materials 48052
received under this section and contact any agency or organization 48053
for recommendations or other information about the applicant. 48054

Sec. 4731.222. (A) This section applies to both of the 48055
following: 48056

(1) An applicant seeking restoration of a license or 48057
certificate issued under this chapter that has been in a suspended 48058
or inactive state for any cause for more than two years; 48059

(2) An applicant seeking issuance of a license or certificate 48060
pursuant to this chapter who for more than two years has not been 48061
engaged in the practice of medicine and surgery, osteopathic 48062
medicine and surgery, podiatric medicine and surgery, or a limited 48063
branch of medicine as any of the following: 48064

(a) An active practitioner;	48065
(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code;	48066 48067
(c) A participant in a podiatric internship, residency, or clinical fellowship program;	48068 48069
(d) A student in a college of podiatry determined by the state medical board to be in good standing;	48070 48071
(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	48072 48073 48074 48075
(B) Before restoring a license or certificate to good standing for or issuing a license or certificate to an applicant subject to this section <u>or restoring a license or certificate to good standing for an applicant subject to this section</u> , the state medical board may impose terms and conditions including any one or more of the following:	48076 48077 48078 48079 48080 48081
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	48082 48083 48084
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	48085 48086
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;	48087 48088 48089 48090 48091
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	48092 48093
(5) Requiring the applicant to undergo a comprehensive	48094

physical examination, which may include an assessment of physical 48095
abilities, evaluation of sensory capabilities, or screening for 48096
the presence of neurological disorders; 48097

(6) Restricting or limiting the extent, scope, or type of 48098
practice of the applicant. 48099

The board shall consider the moral background and the 48100
activities of the applicant during the period of suspension or 48101
inactivity, in accordance with section 4731.09, 4731.19, or 48102
4731.52 of the Revised Code. The board shall not issue or restore 48103
a license or certificate under this section unless the applicant 48104
complies with sections 4776.01 to 4776.04 of the Revised Code. 48105

Sec. 4731.228. (A) As used in this section: 48106

(1) "Federally qualified health center" has the same meaning 48107
as in section 3701.047 of the Revised Code. 48108

(2) "Federally qualified health center look-alike" has the 48109
same meaning as in section 3701.047 of the Revised Code. 48110

(3) "Health care entity" means any of the following that 48111
employs a physician to provide physician services: 48112

(a) A hospital registered with the department of health under 48113
section 3701.07 of the Revised Code; 48114

(b) A corporation formed under division (B) of section 48115
1701.03 of the Revised Code; 48116

(c) A corporation formed under Chapter 1702. of the Revised 48117
Code; 48118

(d) A limited liability company formed under Chapter 1705. of 48119
the Revised Code; 48120

(e) A health insuring corporation holding a certificate of 48121
authority under Chapter 1751. of the Revised Code; 48122

(f) A partnership; 48123

(g) A professional association formed under Chapter 1785. of 48124
the Revised Code. 48125

(4) "Physician" means an individual authorized under this 48126
chapter to practice medicine and surgery, osteopathic medicine and 48127
surgery, or podiatric medicine and surgery. 48128

(5) "Physician services" means direct patient care services 48129
provided by a physician ~~pursuant to a certificate issued to the~~ 48130
~~physician by the state medical board.~~ 48131

(6) "Termination" means the end of a physician's employment 48132
with a health care entity for any reason. 48133

(B) This section applies when a physician's employment with a 48134
health care entity to provide physician services is terminated for 48135
any reason, unless the physician continues to provide medical 48136
services for patients of the health care entity on an independent 48137
contractor basis. 48138

(C)(1) Except as provided in division (C)(2) of this section, 48139
a health care entity shall send notice of the termination of a 48140
physician's employment to each patient who received physician 48141
services from the physician in the two-year period immediately 48142
preceding the date of employment termination. Only patients of the 48143
health care entity who received services from the physician are to 48144
receive the notice. 48145

(2) If the health care entity provides to the physician a 48146
list of patients treated and patient contact information, the 48147
health care entity may require the physician to send the notice 48148
required by this section. 48149

(D) The notice provided under division (C) of this section 48150
shall be provided not later than the date of termination or thirty 48151
days after the health care entity has actual knowledge of 48152
termination or resignation of the physician, whichever is later. 48153
The notice shall be provided in accordance with rules adopted by 48154

the state medical board under section 4731.05 of the Revised Code. 48155
The notice shall include at least all of the following: 48156

(1) A notice to the patient that the physician will no longer 48157
be practicing medicine as an employee of the health care entity; 48158

(2) Except in situations in which the health care entity has 48159
a good faith concern that the physician's conduct or the medical 48160
care provided by the physician would jeopardize the health and 48161
safety of patients, the physician's name and, if known by the 48162
health care entity, information provided by the physician that the 48163
patient may use to contact the physician; 48164

(3) The date on which the physician ceased or will cease to 48165
practice as an employee of the health care entity; 48166

(4) Contact information for an alternative physician or 48167
physicians employed by the health care entity or contact 48168
information for a group practice that can provide care for the 48169
patient; 48170

(5) Contact information that enables the patient to obtain 48171
information on the patient's medical records. 48172

(E) The requirements of this section do not apply to any of 48173
the following: 48174

(1) A physician rendering services to a patient on an 48175
episodic basis or in an emergency department or urgent care 48176
center, when it should not be reasonably expected that related 48177
medical services will be rendered by the physician to the patient 48178
in the future; 48179

(2) A medical director or other physician providing services 48180
in a similar capacity to a medical director to patients through a 48181
hospice care program licensed pursuant to section 3712.04 of the 48182
Revised Code. 48183

(3) Medical residents, interns, and fellows who work in 48184

hospitals, health systems, federally qualified health centers, and 48185
federally qualified health center look-alikes as part of their 48186
medical education and training. 48187

(4) A physician providing services to a patient through a 48188
community mental health ~~agency~~ services provider certified by the 48189
director of mental health and addiction services under section 48190
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 48191
~~addiction program~~ a community addiction services provider 48192
certified by the ~~department of alcohol and drug addiction services~~ 48193
director under that section ~~3793.06~~ of the Revised Code. 48194

(5) A physician providing services to a patient through a 48195
federally qualified health center or a federally qualified health 48196
center look-alike. 48197

Sec. 4731.229. Any disciplinary action taken on an 48198
individual's ~~certificate~~ license to practice by the state medical 48199
board under section 4731.22 of the Revised Code operates 48200
automatically on the individual's certificate to recommend and 48201
remains in effect for as long as the action remains in effect on 48202
the ~~certificate~~ license to practice. 48203

Sec. 4731.281. (A)(1) ~~Each person holding a~~ A license issued 48204
under this chapter to practice medicine and surgery, osteopathic 48205
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 48206
~~renew that license shall apply to the board for renewal~~ shall be 48207
valid for a two-year period unless revoked or suspended. A license 48208
shall expire on the date that is two years from the date of 48209
issuance and may be renewed for additional two-year periods. 48210
Applications for renewal shall be submitted to the state medical 48211
board in a manner prescribed by the board. ~~Each~~ 48212

Each application shall be accompanied by a biennial renewal 48213
fee of three hundred five dollars. ~~Applications shall be submitted~~ 48214

according to the following schedule:	48215
(a) Persons whose last name begins with the letters "A" through "B," on or before the first day of July of every odd-numbered year;	48216
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	48218
(b) Persons whose last name begins with the letters "C" through "D," on or before the first day of April of every odd-numbered year;	48219
	48220
	48221
(c) Persons whose last name begins with the letters "E" through "G," on or before the first day of January of every odd-numbered year;	48222
	48223
	48224
(d) Persons whose last name begins with the letters "H" through "K," on or before the first day of October of every even-numbered year;	48225
	48226
	48227
(e) Persons whose last name begins with the letters "L" through "M," on or before the first day of July of every even-numbered year;	48228
	48229
	48230
(f) Persons whose last name begins with the letters "N" through "R," on or before the first day of April of every even-numbered year;	48231
	48232
	48233
(g) Persons whose last name begins with the letter "S," on or before the first day of January of every even-numbered year;	48234
	48235
(h) Persons whose last name begins with the letters "T" through "Z," on or before the first day of October of every odd-numbered year.	48236
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	48238
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	48239
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	48243
(2) The board shall provide <u>a renewal notice</u> to every person	48244

holding a license to practice medicine and surgery, osteopathic 48245
medicine and surgery, or podiatric medicine and surgery, a renewal 48246
notice ~~or~~. The board may provide the notice to the person through 48247
the secretary of any recognized medical, osteopathic, or podiatric 48248
society. The notice shall be provided to the person at least one 48249
month prior to the date on which the person's license expires. 48250

(3) Failure of any person to receive a notice of renewal from 48251
the board shall not excuse the person from the requirements 48252
contained in this section. 48253

(4) The board's notice shall inform the applicant of the 48254
renewal procedure. The board shall provide the application for 48255
renewal in a form determined by the board. 48256

(5) The applicant shall provide in the application the 48257
applicant's full name; the applicant's residence address, business 48258
address, and electronic mail address; the number of the 48259
applicant's license to practice; and any other information 48260
required by the board. 48261

(6)(a) Except as provided in division (A)(6)(b) of this 48262
section, in the case of an applicant who prescribes or personally 48263
furnishes opioid analgesics or benzodiazepines, as defined in 48264
section 3719.01 of the Revised Code, the applicant shall certify 48265
to the board whether the applicant has been granted access to the 48266
drug database established and maintained by the state board of 48267
pharmacy pursuant to section 4729.75 of the Revised Code. 48268

(b) The requirement described in division (A)(6)(a) of this 48269
section does not apply if any of the following is the case: 48270

(i) The state board of pharmacy notifies the state medical 48271
board pursuant to section 4729.861 of the Revised Code that the 48272
applicant has been restricted from obtaining further information 48273
from the drug database. 48274

(ii) The state board of pharmacy no longer maintains the drug 48275

database. 48276

(iii) The applicant does not practice medicine and surgery, 48277
osteopathic medicine and surgery, or podiatric medicine and 48278
surgery in this state. 48279

(c) If an applicant certifies to the state medical board that 48280
the applicant has been granted access to the drug database and the 48281
board finds through an audit or other means that the applicant has 48282
not been granted access, the board may take action under section 48283
4731.22 of the Revised Code. 48284

(7) The applicant shall indicate whether the applicant 48285
currently collaborates, as that term is defined in section 4723.01 48286
of the Revised Code, with any clinical nurse specialists, 48287
certified nurse-midwives, or certified nurse practitioners. 48288

(8) The applicant shall report any criminal offense to which 48289
the applicant has pleaded guilty, of which the applicant has been 48290
found guilty, or for which the applicant has been found eligible 48291
for intervention in lieu of conviction, since last submitting an 48292
application for a license to practice or renewal of a license. 48293

(9) The applicant shall execute and deliver the application 48294
to the board in a manner prescribed by the board. 48295

(B) The board shall renew a license under this chapter to 48296
practice medicine and surgery, osteopathic medicine and surgery, 48297
or podiatric medicine and surgery upon application and 48298
qualification therefor in accordance with this section. A renewal 48299
shall be valid for a two-year period. 48300

(C) Failure of any license holder to renew and comply with 48301
this section shall operate automatically to suspend the holder's 48302
license to practice and if applicable, the holder's certificate to 48303
recommend issued under section 4731.30 of the Revised Code. 48304
Continued practice after the suspension shall be considered as 48305
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 48306

the Revised Code. 48307

If the license has been suspended pursuant to this division 48308
for two years or less, it may be reinstated. The board shall 48309
reinstate a license to practice suspended for failure to renew 48310
upon an applicant's submission of a renewal application and 48311
payment of a reinstatement fee of four hundred five dollars. 48312

If the license has been suspended pursuant to this division 48313
for more than two years, it may be restored. Subject to section 48314
4731.222 of the Revised Code, the board may restore a license to 48315
practice suspended for failure to renew upon an applicant's 48316
submission of a restoration application, payment of a restoration 48317
fee of five hundred five dollars, and compliance with sections 48318
4776.01 to 4776.04 of the Revised Code. The board shall not 48319
restore to an applicant a license ~~to practice~~ unless the board, in 48320
its discretion, decides that the results of the criminal records 48321
check do not make the applicant ineligible for a license issued 48322
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 48323

Any reinstatement or restoration of a license to practice 48324
under this section shall operate automatically to renew the 48325
holder's certificate to recommend. 48326

(D) The state medical board may obtain information not 48327
protected by statutory or common law privilege from courts and 48328
other sources concerning malpractice claims against any person 48329
holding a license to practice under this chapter or practicing as 48330
provided in section 4731.36 of the Revised Code. 48331

(E) Each ~~mailing sent~~ renewal notice provided by the board 48332
under division (A)(2) of this section to a person holding a 48333
license to practice medicine and surgery or osteopathic medicine 48334
and surgery shall inform the applicant of the reporting 48335
requirement established by division (H) of section 3701.79 of the 48336
Revised Code. At the discretion of the board, the information may 48337

be included on the application for renewal or on an accompanying page. 48338
48339

(F) Each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs. 48340
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Sec. 4731.282. (A)(1) Except as provided in division (D) of this section, each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than one hundred hours of continuing medical education that has been approved by the board. 48346
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(2) Each person holding a license to practice shall be given sufficient choice of continuing education programs to ensure that the person has had a reasonable opportunity to participate in continuing education programs that are relevant to the person's medical practice in terms of subject matter and level. 48352
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(B) In determining whether a course, program, or activity qualifies for credit as continuing medical education, the board shall approve all of the following: 48357
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(1) Continuing medical education completed by holders of licenses to practice medicine and surgery that is certified by the Ohio state medical association; 48360
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(2) Continuing medical education completed by holders of licenses to practice osteopathic medicine and surgery that is certified by the Ohio osteopathic association; 48363
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48365

(3) Continuing medical education completed by holders of licenses to practice podiatric medicine and surgery that is 48366
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certified by the Ohio podiatric medical association. 48368

(C) The board shall approve one or more continuing medical 48369
education courses of study included within the programs certified 48370
by the Ohio state medical association and the Ohio osteopathic 48371
association under divisions (B)(1) and (2) of this section that 48372
assist doctors of medicine and doctors of osteopathic medicine in 48373
both of the following: 48374

(1) Recognizing the signs of domestic violence and its 48375
relationship to child abuse; 48376

(2) Diagnosing and treating chronic pain, as defined in 48377
section 4731.052 of the Revised Code. 48378

(D) The board shall adopt rules providing for pro rata 48379
reductions by month of the number of hours of continuing education 48380
that must be completed for license holders who ~~are in their first~~ 48381
~~renewal period~~, have been disabled by illness or accident, or have 48382
been absent from the country. The board shall adopt the rules in 48383
accordance with Chapter 119. of the Revised Code. 48384

(E) The board may require a random sample of holders of 48385
licenses to practice medicine and surgery, osteopathic medicine 48386
and surgery, or podiatric medicine and surgery to submit materials 48387
documenting completion of the required number of hours of 48388
continuing medical education. This division does not limit the 48389
board's authority to conduct investigations pursuant to section 48390
4731.22 of the Revised Code. 48391

(F)(1) If, through a random sample conducted under division 48392
(E) of this section or any other means, the board finds that an 48393
individual who certified completion of the number of hours and 48394
type of continuing medical education required to renew, reinstate, 48395
or restore a license to practice did not complete the requisite 48396
continuing medical education, the board may do either of the 48397
following: 48398

(a) Take disciplinary action against the individual under 48399
section 4731.22 of the Revised Code, ~~7~~ impose a civil penalty, or 48400
both; 48401

(b) Permit the individual to agree in writing to complete the 48402
continuing medical education and pay a civil penalty. 48403

(2) The board's finding in any disciplinary action taken 48404
under division (F)(1)(a) of this section shall be made pursuant to 48405
an adjudication under Chapter 119. of the Revised Code and by an 48406
affirmative vote of not fewer than six of its members. 48407

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 48408
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 48409
this section shall be in an amount specified by the board of not 48410
more than five thousand dollars. The board shall deposit civil 48411
penalties in accordance with section 4731.24 of the Revised Code. 48412

Sec. 4731.291. (A) An individual seeking to pursue an 48413
internship, residency, clinical fellowship program, or elective 48414
clinical rotation in this state, who does not hold a license to 48415
practice medicine and surgery or osteopathic medicine or surgery 48416
issued under this chapter, shall apply to the state medical board 48417
for a training certificate. The application shall be made on forms 48418
that the board shall furnish and shall be accompanied by an 48419
application fee of one hundred thirty dollars. 48420

An applicant for a training certificate shall furnish to the 48421
board all of the following: 48422

(1) Evidence satisfactory to the board that the applicant is 48423
at least eighteen years of age and is of good moral character. 48424

(2) Evidence satisfactory to the board that the applicant has 48425
been accepted or appointed to participate in this state in one of 48426
the following: 48427

(a) An internship ~~or~~, residency, or clinical fellowship 48428

program accredited by either the accreditation council for 48429
graduate medical education of the American medical association or 48430
the American osteopathic association; 48431

(b) A clinical fellowship program that is not accredited as 48432
described in division (A)(2)(a) of this section, but is conducted 48433
at an institution with a residency program that is accredited by 48434
~~either the accreditation council for graduate medical education of~~ 48435
~~the American medical association or the American osteopathic~~ 48436
~~association that as described in that division and~~ 48437
is in a 48438
clinical field the same as or related to the clinical field of the 48439
fellowship program;

(c) An elective clinical rotation that lasts not more than 48440
one year and is offered to interns, residents, or clinical fellows 48441
participating in programs that are located outside this state and 48442
meet the requirements of division (A)(2)(a) or (b) of this 48443
section. 48444

(3) Information identifying the beginning and ending dates of 48445
the period for which the applicant has been accepted or appointed 48446
to participate in the internship, residency, or clinical 48447
fellowship program; 48448

(4) Any other information that the board requires. 48449

(B) If no grounds for denying a license or certificate under 48450
section 4731.22 of the Revised Code apply, and the applicant meets 48451
the requirements of division (A) of this section, the board shall 48452
issue a training certificate to the applicant. The board shall not 48453
require an examination as a condition of receiving a training 48454
certificate. 48455

A training certificate issued pursuant to this section shall 48456
be valid only for three years, but may ~~in the discretion of the~~ 48457
~~board and upon application duly made,~~ be renewed by the board for 48458
one additional three-year period. ~~The~~ To renew a training 48459

certificate, the holder shall apply to the board on or before the 48460
certificate's expiration date. 48461

The fee for renewal of a training certificate shall be one 48462
hundred dollars. A late application may be submitted not more than 48463
thirty days after the certificate's expiration date. In such a 48464
case, the holder shall include with the application a 48465
one-hundred-fifty-dollar reinstatement fee. 48466

~~The board shall maintain a register of all individuals who~~ 48467
~~hold training certificates.~~ 48468

(C) The holder of a valid training certificate shall be 48469
entitled to perform such acts as may be prescribed by or 48470
incidental to the holder's internship, residency, or clinical 48471
fellowship program, but the holder shall not be entitled otherwise 48472
to engage in the practice of medicine and surgery or osteopathic 48473
medicine and surgery in this state. The holder shall limit 48474
activities under the certificate to the programs of the hospitals 48475
or facilities for which the training certificate is issued. The 48476
holder shall train only under the supervision of the physicians 48477
responsible for supervision as part of the internship, residency, 48478
or clinical fellowship program. 48479

A training certificate may be revoked by the board upon 48480
proof, satisfactory to the board, that the holder thereof has 48481
engaged in practice in this state outside the scope of the 48482
internship, residency, or clinical fellowship program for which 48483
the training certificate has been issued, or upon proof, 48484
satisfactory to the board, that the holder thereof has engaged in 48485
unethical conduct or that there are grounds for action against the 48486
holder under section 4731.22 of the Revised Code. 48487

(D) The board may adopt rules as the board finds necessary to 48488
effect the purpose of this section. 48489

Sec. 4731.293. (A) The state medical board may issue, without 48490
examination, a clinical research faculty certificate to practice 48491
medicine and surgery, osteopathic medicine and surgery, or 48492
podiatric medicine and surgery to any person who applies for the 48493
certificate and provides to the board all of the following: 48494

(1) Evidence satisfactory to the board of all of the 48495
following: 48496

(a) That the applicant holds a current, unrestricted license 48497
to practice medicine and surgery, osteopathic medicine and 48498
surgery, or podiatric medicine and surgery issued by another state 48499
or country; 48500

(b) That the applicant has been appointed to serve in this 48501
state on the academic staff of a medical school accredited by the 48502
liaison committee on medical education, an osteopathic medical 48503
school accredited by the American osteopathic association, or a 48504
college of podiatric medicine and surgery in good standing with 48505
the board; 48506

(c) That the applicant is an international medical graduate 48507
who holds a medical degree from an educational institution listed 48508
in the international medical education directory. 48509

(2) An affidavit and supporting documentation from the dean 48510
of the school or college, or the department director or 48511
chairperson of a teaching hospital affiliated with the school or 48512
college, that the applicant is qualified to perform teaching and 48513
research activities and will be permitted to work only under the 48514
authority of the department director or chairperson of a teaching 48515
hospital affiliated with the school or college where the 48516
applicant's teaching and research activities will occur; 48517

(3) A description from the school, college, or teaching 48518
hospital of the scope of practice in which the applicant will be 48519

involved, including the types of teaching, research, and 48520
procedures in which the applicant will be engaged; 48521

(4) A description from the school, college, or teaching 48522
hospital of the type and amount of patient contact that will occur 48523
in connection with the applicant's teaching and research 48524
activities. 48525

(B) An applicant for an initial clinical research faculty 48526
certificate shall pay a fee of three hundred seventy-five dollars. 48527

(C) The holder of a clinical research faculty certificate may 48528
do one of the following, as applicable: 48529

(1) Practice medicine and surgery or osteopathic medicine and 48530
surgery only as is incidental to the certificate holder's teaching 48531
or research duties at the medical school or a teaching hospital 48532
affiliated with the school; 48533

(2) Practice podiatric medicine and surgery only as is 48534
incidental to the certificate holder's teaching or research duties 48535
at the college of podiatric medicine and surgery or a teaching 48536
hospital affiliated with the college. 48537

(D) The board may revoke a certificate on receiving proof 48538
satisfactory to the board that the certificate holder has engaged 48539
in practice in this state outside the scope of the certificate or 48540
that there are grounds for action against the certificate holder 48541
under section 4731.22 of the Revised Code. 48542

(E) A clinical research faculty certificate is valid for 48543
three years, except that the certificate ceases to be valid if the 48544
holder's academic staff appointment described in division 48545
(A)(1)(b) of this section is no longer valid or the certificate is 48546
revoked pursuant to division (D) of this section. 48547

(F)(1) The board shall provide a renewal notice to the 48548
certificate holder at least one month before the certificate 48549

expires. Failure of a certificate holder to receive a notice of 48550
renewal from the board shall not excuse the certificate holder 48551
from the requirements contained in this section. The notice shall 48552
inform the certificate holder of the renewal procedure. The notice 48553
also shall inform the certificate holder of the reporting 48554
requirement established by division (H) of section 3701.79 of the 48555
Revised Code. At the discretion of the board, the information may 48556
be included on the application for renewal or on an accompanying 48557
page. 48558

(2) A clinical research faculty certificate may be renewed 48559
for an additional three-year period. There is no limit on the 48560
number of times a certificate may be renewed. A person seeking 48561
renewal of a certificate shall apply to the board. The board shall 48562
provide the application for renewal in a form determined by the 48563
board. 48564

(3) An applicant is eligible for renewal if the applicant 48565
does all of the following: 48566

(a) Pays a renewal fee of three hundred seventy-five dollars; 48567

(b) Reports any criminal offense to which the applicant has 48568
pleaded guilty, of which the applicant has been found guilty, or 48569
for which the applicant has been found eligible for intervention 48570
in lieu of conviction, since last filing an application for a 48571
clinical research faculty certificate; 48572

(c) Provides to the board an affidavit and supporting 48573
documentation from the dean of the school or college, or the 48574
department director or chairperson of a teaching hospital 48575
affiliated with the school or college, that the applicant is in 48576
compliance with the applicant's current clinical research faculty 48577
certificate; 48578

(d) Provides evidence satisfactory to the board of all of the 48579
following: 48580

(i) That the applicant continues to maintain a current, 48581
unrestricted license to practice medicine and surgery, osteopathic 48582
medicine and surgery, or podiatric medicine and surgery issued by 48583
another state or country; 48584

(ii) That the applicant's initial appointment to serve in 48585
this state on the academic staff of a school or college is still 48586
valid or has been renewed; 48587

(iii) That the applicant has completed one hundred fifty 48588
hours of continuing medical education that meet the requirements 48589
set forth in section 4731.282 of the Revised Code. 48590

(4) Regardless of whether the certificate has expired, a 48591
person who was granted a visiting medical faculty certificate 48592
under this section as it existed immediately prior to June 6, 48593
2012, may apply for a clinical research faculty certificate as a 48594
renewal. The board may issue the clinical research faculty 48595
certificate if the applicant meets the requirements of division 48596
(F)(3) of this section. The board may not issue a clinical 48597
research faculty certificate if the visiting medical faculty 48598
certificate was revoked. 48599

~~(G) The board shall maintain a register of all persons who 48600
hold clinical research faculty certificates. 48601~~

~~(H)~~ The board may adopt any rules it considers necessary to 48602
implement this section. The rules shall be adopted in accordance 48603
with Chapter 119. of the Revised Code. 48604

Sec. 4731.294. (A) The state medical board may issue, without 48605
examination, a special activity certificate to any person seeking 48606
to practice medicine and surgery or osteopathic medicine and 48607
surgery in conjunction with a special activity, program, or event 48608
taking place in this state. 48609

(B) An applicant for a special activity certificate shall 48610

hold a telemedicine certificate issued under section 4731.296 of 48611
the Revised Code or submit evidence satisfactory to the board of 48612
all of the following: 48613

(1) The applicant holds a current, unrestricted license to 48614
practice medicine and surgery or osteopathic medicine and surgery 48615
issued by another state or country and that within the two-year 48616
period immediately preceding application, the applicant has done 48617
one of the following: 48618

(a) Actively practiced medicine and surgery or osteopathic 48619
medicine and surgery in the United States; 48620

(b) Participated in a graduate medical education program 48621
accredited by either the accreditation council for graduate 48622
medical education of the American medical association or the 48623
American osteopathic association; 48624

(c) Successfully passed the federation licensing examination 48625
established by the federation of state medical boards, a special 48626
examination established by the federation of state medical boards, 48627
or all parts of a standard medical licensing examination 48628
established for purposes of determining the competence of 48629
individuals to practice medicine and surgery or osteopathic 48630
medicine and surgery in the United States. 48631

(2) The applicant meets the same educational requirements 48632
that individuals must meet under sections 4731.09 and 4731.14 of 48633
the Revised Code. 48634

(3) The applicant's practice in conjunction with the special 48635
activity, program, or event will be in the public interest. 48636

(C) The applicant shall pay a fee of one hundred twenty-five 48637
dollars unless the applicant holds a telemedicine certificate 48638
issued under section 4731.296 of the Revised Code. If the 48639
applicant holds a telemedicine certificate, the board shall not 48640
charge a fee for issuing a certificate under this section. The 48641

~~board shall maintain a register of all persons who hold a special activity certificate.~~ 48642
48643

(D) The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event, or program for which the certificate is issued. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code. 48644
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(E) A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program, or event. The certificate may not be renewed. 48653
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(F) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that specify how often an applicant may be granted a certificate under this section. 48656
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Sec. 4731.299. (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement. 48659
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(B) An individual who seeks an expedited license by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it. 48663
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(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following: 48669
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(1) Provide evidence satisfactory to the board that the 48671

applicant meets all of the following requirements: 48672

(a) Has passed one of the following: 48673

(i) Steps one, two, and three of the United States medical 48674
licensing examination; 48675

(ii) Levels one, two, and three of the comprehensive 48676
osteopathic medical licensing examination of the United States; 48677

(iii) Any other medical licensing examination recognized by 48678
the board. 48679

(b) ~~For at least five years~~ During the five-year period 48680
immediately preceding the date of application, has held a current, 48681
unrestricted license to practice medicine and surgery or 48682
osteopathic medicine and surgery issued by the licensing authority 48683
of another state or a Canadian province; 48684

(c) For at least two years immediately preceding the date of 48685
application, has actively practiced medicine and surgery or 48686
osteopathic medicine and surgery in a clinical setting; 48687

(d) Is in compliance with the medical education and training 48688
requirements in sections 4731.09 and 4731.14 of the Revised Code. 48689

(2) Certify to the board that all of the following are the 48690
case: 48691

(a) Not more than two malpractice claims, which resulted in a 48692
finding of liability or in payment, have been filed against the 48693
applicant ~~within a~~ during the ten-year period ~~of ten years~~ 48694
immediately preceding the date of application and no malpractice 48695
claim against the applicant during that ten-year period has 48696
resulted in total payment of more than five hundred thousand 48697
dollars. 48698

(b) The applicant does not have a criminal record according 48699
to the criminal records check required by section 4731.08 of the 48700
Revised Code. 48701

(c) The applicant does not have a medical condition that 48702
could affect the applicant's ability to practice according to 48703
acceptable and prevailing standards of care. 48704

(d) No adverse action has been taken against the applicant by 48705
a health care institution. 48706

(e) To the applicant's knowledge, no federal agency, medical 48707
society, medical association, or branch of the United States 48708
military has investigated or taken action against the applicant. 48709

(f) No professional licensing or regulatory authority has 48710
filed a complaint against, investigated, or taken action against 48711
the applicant and the applicant has not withdrawn a professional 48712
license application. 48713

(g) The applicant has not been suspended or expelled from any 48714
institution of higher education or school, including a medical 48715
school. 48716

(D) An applicant for an expedited license by endorsement 48717
shall comply with section 4731.08 of the Revised Code. 48718

(E) At the time of application, the applicant shall pay to 48719
the board a fee of one thousand dollars, no part of which shall be 48720
returned. No application shall be considered filed until the board 48721
receives the fee. 48722

(F) The secretary and supervising member of the board shall 48723
review all applications received under this section. 48724

If the secretary and supervising member determine that an 48725
applicant meets the requirements for an expedited license by 48726
endorsement, the board shall issue the license to the applicant. 48727

If the secretary and supervising member determine that an 48728
applicant does not meet the requirements for an expedited license 48729
by endorsement, the application shall be treated as an application 48730
under section 4731.09 of the Revised Code. 48731

(G) Each license issued by the board under this section shall 48732
be signed by the president and secretary of the board and attested 48733
by the board's seal. 48734

(H) Within sixty days after September 29, 2013, the board 48735
shall approve acceptable means of demonstrating compliance with 48736
sections 4731.09 and 4731.14 of the Revised Code as required by 48737
division (C)(1)(d) of this section. 48738

Sec. 4731.56. (A) The state medical board shall review all 48739
applications received under section 4731.52 of the Revised Code. 48740
The board shall determine whether an applicant meets the 48741
requirements for a license to practice podiatric medicine and 48742
surgery. ~~An affirmative vote of not fewer than six members of the~~ 48743
~~board is required to determine that an applicant meets the~~ 48744
~~requirements for a license.~~ 48745

(B) If the board determines that the applicant meets the 48746
requirements for a license and that the documentation provided is 48747
satisfactory to the board, the board shall issue to the applicant 48748
a license to practice podiatric medicine and surgery. Each license 48749
shall be signed by the president and secretary of the board and 48750
attested by its seal. 48751

(C) A person who holds a license to practice podiatric 48752
medicine and surgery issued under this section may use the title 48753
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 48754

(D) The holder of a license issued under this section shall 48755
either provide verification of licensure status from the board's 48756
internet web site on request or prominently display a wall 48757
certificate in the license holder's office or the place where a 48758
major portion of the license holder's practice is conducted. 48759

Sec. 4731.572. (A) The state medical board may issue, without 48760
examination, a visiting podiatric faculty certificate to any 48761

person who holds a current, unrestricted license to practice 48762
podiatric medicine and surgery issued by another state or country 48763
and has been appointed to serve in this state on the academic 48764
staff of an approved college of podiatric medicine and surgery in 48765
good standing, as determined by the board. 48766

(B) An applicant for a visiting podiatric faculty certificate 48767
shall submit evidence satisfactory to the board that the applicant 48768
meets the requirements of division (A) of this section. The 48769
applicant shall pay a fee of one hundred twenty-five dollars. The 48770
~~board shall maintain a register of all persons who hold a visiting~~ 48771
~~podiatric faculty certificate.~~ 48772

(C) The holder of a visiting podiatric faculty certificate 48773
may practice podiatric medicine and surgery only as is incidental 48774
to the certificate holder's teaching duties at the college or the 48775
teaching hospitals affiliated with the college. The board may 48776
revoke a certificate on receiving proof satisfactory to the board 48777
that the holder of the certificate has engaged in practice in this 48778
state outside the scope of the certificate or that there are 48779
grounds for action against the certificate holder under section 48780
4731.22 of the Revised Code. 48781

(D) A visiting podiatric faculty certificate is valid for the 48782
shorter of one year or the duration of the holder's appointment to 48783
the academic staff of the college. The certificate may not be 48784
renewed. 48785

Sec. 4731.573. (A) An individual seeking to pursue an 48786
internship, residency, or clinical fellowship program in podiatric 48787
medicine and surgery in this state, who does not hold a license to 48788
practice podiatric medicine and surgery issued under this chapter, 48789
shall apply to the state medical board for a training certificate. 48790
The application shall be made on forms that the board shall 48791

furnish and shall be accompanied by an application fee of one 48792
hundred thirty dollars. 48793

An applicant for a training certificate shall furnish to the 48794
board all of the following: 48795

(1) Evidence satisfactory to the board that the applicant is 48796
at least eighteen years of age and is of good moral character; 48797

(2) Evidence satisfactory to the board that the applicant has 48798
been accepted or appointed to participate in this state in one of 48799
the following: 48800

(a) An internship ~~or~~, residency, or clinical fellowship 48801
program accredited by either the council on podiatric medical 48802
education or the American podiatric medical association; 48803

(b) A clinical fellowship program that is not accredited as 48804
described in division (A)(2)(a) of this section, but is conducted 48805
at an institution with a residency program that is accredited by 48806
~~either the council on podiatric medical education or the American~~ 48807
~~podiatric medical association that~~ as described in that division 48808
and is in a clinical field the same as or related to the clinical 48809
field of the fellowship program. 48810

(3) Information identifying the beginning and ending dates of 48811
the period for which the applicant has been accepted or appointed 48812
to participate in the internship, residency, or clinical 48813
fellowship program; 48814

(4) Any other information that the board requires. 48815

(B) If no grounds for denying a license or certificate under 48816
section 4731.22 of the Revised Code apply and the applicant meets 48817
the requirements of division (A) of this section, the board shall 48818
issue a training certificate to the applicant. The board shall not 48819
require an examination as a condition of receiving a training 48820
certificate. 48821

A training certificate issued pursuant to this section shall 48822
be valid only for three years, but may ~~in the discretion of the~~ 48823
~~board and upon application duly made,~~ be renewed by the board for 48824
one additional three-year period. ~~The~~ To renew a training 48825
certificate, the holder shall apply to the board on or before the 48826
certificate's expiration date. 48827

The fee for renewal of a training certificate shall be one 48828
hundred dollars. A late application may be submitted not more than 48829
thirty days after the certificate's expiration date. In such a 48830
case, the holder shall include with the application a 48831
one-hundred-fifty-dollar reinstatement fee. 48832

~~The board shall maintain a register of all individuals who~~ 48833
~~hold training certificates.~~ 48834

(C) The holder of a valid training certificate shall be 48835
entitled to perform such acts as may be prescribed by or 48836
incidental to the holder's internship, residency, or clinical 48837
fellowship program, but the holder shall not be entitled otherwise 48838
to engage in the practice of podiatric medicine and surgery in 48839
this state. The holder shall limit activities under the 48840
certificate to the programs of the hospitals or facilities for 48841
which the training certificate is issued. The holder shall train 48842
only under the supervision of the podiatrists responsible for 48843
supervision as part of the internship, residency, or clinical 48844
fellowship program. A training certificate may be revoked by the 48845
board upon proof, satisfactory to the board, that the holder 48846
thereof has engaged in practice in this state outside the scope of 48847
the internship, residency, or clinical fellowship program for 48848
which the training certificate has been issued, or upon proof, 48849
satisfactory to the board, that the holder thereof has engaged in 48850
unethical conduct or that there are grounds for action against the 48851
holder under section 4731.22 of the Revised Code. 48852

(D) The board may adopt rules as the board finds necessary to 48853

effect the purpose of this section. 48854

Sec. 4734.281. Except in cases where a chiropractor holds a 48855
~~certificate~~ license issued under section 4762.04 of the Revised 48856
Code or is an individual described in division (B) of section 48857
4762.02 of the Revised Code, a chiropractor licensed under this 48858
chapter shall not engage in the practice of acupuncture unless the 48859
chiropractor holds a valid certificate to practice acupuncture 48860
issued by the state chiropractic board under this chapter. 48861

Sec. 4735.023. (A) An oil and gas land professional who is 48862
not otherwise permitted to engage in the activities described in 48863
division (A) of section 4735.01 of the Revised Code may perform 48864
such activities, if the oil and gas land professional does all of 48865
the following: 48866

(1)(a) Registers on an annual basis as an oil and gas land 48867
professional with the superintendent of real estate by such date 48868
specified and on a form approved by the superintendent, which form 48869
includes both of the following: 48870

(i) The name and address of the oil and gas land 48871
professional; 48872

(ii) Evidence of the oil and gas land professional's 48873
membership in good standing in a national, state, or local 48874
professional organization that has been in existence for at least 48875
three years and has, as part of its mission, developed a set of 48876
standards of performance and ethics for oil and gas land 48877
professionals. 48878

(b) Pays an annual fee, established by the superintendent in 48879
an amount not to exceed one hundred dollars, which shall accompany 48880
the registration. 48881

(2) At or prior to first contacting any landowner or other 48882
person with an interest in real estate for the purpose of engaging 48883

in the activities of an oil and gas land professional, and on a 48884
form approved by the superintendent, discloses to the landowner or 48885
other person all of the following: 48886

(a) The oil and gas land professional's name and address as 48887
registered with the superintendent; 48888

(b) That the oil and gas land professional is registered as 48889
such with the superintendent and is a member in good standing in a 48890
national, state, or local professional organization that has been 48891
in existence for at least three years and has, as part of its 48892
mission, developed a set of standards of performance and ethics 48893
for oil and gas land professionals; 48894

(c) That the oil and gas land professional is not a licensed 48895
real estate broker or real estate salesperson under Chapter 4735. 48896
of the Revised Code; 48897

(d) That the landowner or other person with an interest in 48898
real estate may seek legal counsel in connection with any 48899
transaction with the oil and gas land professional; 48900

(e) That the oil and gas land professional is not 48901
representing the landowner or other person with an interest in 48902
real estate. 48903

(3) At or prior to entering into any agreements for the 48904
purpose of exploring for, transporting, producing, or developing 48905
oil and gas mineral interests including, but not limited to, oil 48906
and gas leases and pipeline easements with any landowner or other 48907
person with an interest in real estate, and on a form approved by 48908
the superintendent, discloses to the landowner or other person 48909
with an interest in real estate all of the following: 48910

(a) The oil and gas land professional's name and address as 48911
registered with the superintendent; 48912

(b) That the oil and gas land professional is registered as 48913

such with the superintendent and a member in good standing in a 48914
national, state, or local professional organization that has been 48915
in existence for at least three years and has, as part of its 48916
mission, developed a set of standards of performance and ethics 48917
for oil and gas land professionals; 48918

(c) That the oil and gas land professional is not a licensed 48919
real estate broker or real estate salesperson under Chapter 4735. 48920
of the Revised Code; 48921

(d) That the landowner or other person may seek legal counsel 48922
in connection with any transaction with the oil and gas land 48923
professional; 48924

(e) That the oil and gas land professional is not 48925
representing the landowner or other person with an interest in 48926
real estate. 48927

(B) Any oil and gas land professional who must be registered 48928
as such with the superintendent pursuant to this section who 48929
ceases to be a member in good standing of an organization 48930
described in division (A)(1)(a)(ii) of this section shall report 48931
the change in membership status to the superintendent within 48932
thirty days of that change. Failure to report such change in 48933
membership status shall result in the automatic suspension of 48934
registration status and subject the registrant to the penalties 48935
for unlicensed activity as found in section ~~4735.02~~ 4735.052 of 48936
the Revised Code. 48937

(C) Any oil and gas land professional who fails to register 48938
with the superintendent pursuant to this section is subject to the 48939
penalties for unlicensed activity as found in section ~~4735.02~~ 48940
4735.052 of the Revised Code. 48941

Sec. 4735.052. (A) Upon receipt of a written complaint or 48942
upon the superintendent's own motion, the superintendent may 48943

investigate any person that has allegedly violated section 48944
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 48945
superintendent shall not initiate an investigation, pursuant to 48946
this section, of any person who held a suspended or inactive 48947
license under this chapter on the date of the alleged violation. 48948

(B) If, after investigation, the superintendent determines 48949
there exists reasonable evidence of a violation of section 48950
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 48951
business days after that determination, the superintendent shall 48952
send the party who is the subject of the investigation, a written 48953
notice, by regular mail, that includes all of the following 48954
information: 48955

(1) A description of the activity in which the party 48956
allegedly is engaging or has engaged that is a violation of 48957
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 48958

(2) The applicable law allegedly violated; 48959

(3) A statement informing the party that a hearing concerning 48960
the alleged violation will be held, upon the party's request, 48961
before a hearing examiner pursuant to Chapter 119. of the Revised 48962
Code. 48963

(C)(1) If a hearing is requested, the hearing examiner shall 48964
hear the testimony of all parties present at the hearing and 48965
consider any written testimony submitted pursuant to this section, 48966
and determine if there has been a violation of section 4735.02, 48967
4735.023, or 4735.25 of the Revised Code. 48968

(2) After the conclusion of formal hearings, the hearing 48969
examiner shall file a report of findings of fact and conclusions 48970
of law with the superintendent, the commission, the complainant, 48971
and the parties. Within twenty days of receipt of such copy of the 48972
written report of findings of fact and conclusions of law, the 48973
parties and the division may file with the commission written 48974

objections to the report, which shall be considered by the 48975
commission before approving, modifying, or disapproving the 48976
report. 48977

(3) The commission shall review the hearing examiner's report 48978
at the next regularly scheduled commission meeting held at least 48979
twenty business days after receipt of the hearing examiner's 48980
report. The commission shall hear the testimony of the complainant 48981
or the parties upon request. 48982

(4) The commission shall decide whether to impose 48983
disciplinary sanctions upon a party for a violation of section 48984
4735.02 or 4735.023 of the Revised Code. If the commission finds 48985
that a violation has occurred, the commission may assess a civil 48986
penalty, in an amount it determines, not to exceed one thousand 48987
dollars per violation. Each day a violation occurs or continues is 48988
a separate violation. The commission shall determine the terms of 48989
payment. The commission shall maintain a record of the proceedings 48990
of the hearing and issue a written opinion to all parties, citing 48991
its findings and grounds for any action taken. 48992

(D) Civil penalties collected under this section shall be 48993
deposited in the real estate operating fund, which is created in 48994
the state treasury under section 4735.211 of the Revised Code. 48995

(E) If a party fails to pay a civil penalty assessed pursuant 48996
to this section within the time prescribed by the commission, the 48997
superintendent shall forward to the attorney general the name of 48998
the party and the amount of the civil penalty, for the purpose of 48999
collecting that civil penalty. In addition to the civil penalty 49000
assessed pursuant to this section, the party also shall pay any 49001
fee assessed by the attorney general for collection of the civil 49002
penalty. 49003

(F) The superintendent may reserve the right to bring a civil 49004
action against a party that fails to pay a civil penalty for 49005

breach of contract in a court of competent jurisdiction. 49006

Sec. 4735.06. (A) Application for a license as a real estate 49007
broker shall be made to the superintendent of real estate on forms 49008
furnished by the superintendent and filed with the superintendent 49009
and shall be signed by the applicant or its members or officers. 49010
Each application shall state the name of the person applying and 49011
the location of the place of business for which the license is 49012
desired, and give such other information as the superintendent 49013
requires in the form of application prescribed by the 49014
superintendent. 49015

(B)(1) If the applicant is a partnership, limited liability 49016
company, limited liability partnership, or association, the names 49017
of all the members also shall be stated, and, if the applicant is 49018
a corporation, the names of its president and of each of its 49019
officers also shall be stated. 49020

The superintendent has the right to reject the application of 49021
any partnership, association, limited liability company, limited 49022
liability partnership, or corporation if the name proposed to be 49023
used by such partnership, association, limited liability company, 49024
limited liability partnership, or corporation is likely to mislead 49025
the public or if the name is not such as to distinguish it from 49026
the name of any existing partnership, association, limited 49027
liability company, limited liability partnership, or corporation 49028
licensed under this chapter, unless there is filed with the 49029
application the written consent of such existing partnership, 49030
association, limited liability company, limited liability 49031
partnership, or corporation, executed by a duly authorized 49032
representative of it, permitting the use of the name of such 49033
existing partnership, association, limited liability company, 49034
limited liability partnership, or corporation. 49035

(2) The superintendent shall approve the use of a trade name 49036

by a brokerage, if the name meets both of the following criteria: 49037

(a) The proposed name is not the same as or is clearly 49038
distinguishable from a name registered with the division of real 49039
estate and professional licensing by another existing brokerage. 49040
If the superintendent determines that the proposed name is not 49041
clearly distinguishable from any other existing brokerage, the 49042
superintendent may approve the use of the trade name if there is 49043
filed with the superintendent the written consent of the existing 49044
brokerage with the same or similar name. 49045

(b) The name is not misleading or likely to mislead the 49046
public. 49047

(3) The superintendent may approve the use of more than one 49048
trade name for a brokerage. 49049

(4) When a brokerage has received the approval of the 49050
superintendent to conduct business under one or more trade names, 49051
those trade names shall be the only identifying names used by the 49052
brokerage in all advertising. 49053

(C) A fee of one hundred thirty-five dollars shall accompany 49054
the application for a real estate broker's license. The initial 49055
licensing period commences at the time the license is issued and 49056
ends on the applicant's first birthday thereafter. However, if the 49057
applicant was an inactive or active salesperson immediately 49058
preceding application for a broker's license, then the initial 49059
licensing period shall commence at the time the broker's license 49060
is issued and ends on the date the licensee's continuing education 49061
is due as set when the applicant was a salesperson. The 49062
application fee shall be nonrefundable. A fee of one hundred 49063
thirty-five dollars shall be charged by the superintendent for 49064
each successive application made by an applicant. In the case of 49065
issuance of a three-year license, upon passing the examination, or 49066
upon waiver of the examination requirement, if the superintendent 49067

determines it is necessary, the applicant shall submit an 49068
additional fee determined by the superintendent based upon the 49069
number of years remaining in a real estate salesperson's licensing 49070
period. 49071

(D) One dollar of each application fee for a real estate 49072
broker's license shall be credited to the real estate education 49073
and research fund, which is hereby created in the state treasury. 49074
The Ohio real estate commission may use the fund in discharging 49075
the duties prescribed in divisions (E), (F), (G), and (H) of 49076
section 4735.03 of the Revised Code and shall use it in the 49077
advancement of education and research in real estate at any 49078
institution of higher education in the state, or in contracting 49079
with any such institution or a trade organization for a particular 49080
research or educational project in the field of real estate, or in 49081
advancing loans, not exceeding two thousand dollars, to applicants 49082
for salesperson licenses, to defray the costs of satisfying the 49083
educational requirements of division (F) of section 4735.09 of the 49084
Revised Code. Such loans shall be made according to rules 49085
established by the commission under the procedures of Chapter 119. 49086
of the Revised Code, and they shall be repaid to the fund within 49087
three years of the time they are made. No more than twenty-five 49088
thousand dollars shall be lent from the fund in any one fiscal 49089
year. 49090

The governor may appoint a representative from the executive 49091
branch to be a member ex officio of the commission for the purpose 49092
of advising on research requests or educational projects. The 49093
commission shall report to the general assembly on the third 49094
Tuesday after the third Monday in January of each year setting 49095
forth the total amount contained in the fund and the amount of 49096
each research grant that it has authorized and the amount of each 49097
research grant requested. A copy of all research reports shall be 49098
submitted to the state library of Ohio and the library of the 49099

legislative service commission. 49100

(E) If the superintendent, with the consent of the 49101
commission, enters into an agreement with a national testing 49102
service to administer the real estate broker's examination, 49103
pursuant to division (A) of section 4735.07 of the Revised Code, 49104
the superintendent may require an applicant to pay the testing 49105
service's examination fee directly to the testing service. If the 49106
superintendent requires the payment of the examination fee 49107
directly to the testing service, each applicant shall submit to 49108
the superintendent a processing fee in an amount determined by the 49109
Ohio real estate commission pursuant to division (A)(2) of section 49110
4735.10 of the Revised Code. 49111

Sec. 4735.09. (A) Application for a license as a real estate 49112
salesperson shall be made to the superintendent of real estate on 49113
forms furnished by the superintendent and signed by the applicant. 49114
The application shall be in the form prescribed by the 49115
superintendent and shall contain such information as is required 49116
by this chapter and the rules of the Ohio real estate commission. 49117
The application shall be accompanied by the recommendation of the 49118
real estate broker with whom the applicant is associated or with 49119
whom the applicant intends to be associated, certifying that the 49120
applicant is honest, truthful, and of good reputation, has not 49121
been convicted of a felony or a crime involving moral turpitude, 49122
and has not been finally adjudged by a court to have violated any 49123
municipal, state, or federal civil rights laws relevant to the 49124
protection of purchasers or sellers of real estate, which 49125
conviction or adjudication the applicant has not disclosed to the 49126
superintendent, and recommending that the applicant be admitted to 49127
the real estate salesperson examination. 49128

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the 49129
application, which fee includes the fee for the initial year of 49130

the licensing period, if a license is issued. The initial year of 49131
the licensing period commences at the time the license is issued 49132
and ends on the applicant's first birthday thereafter. The 49133
application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one 49134
dollars shall be charged by the superintendent for each successive 49135
application made by the applicant. One dollar of each application 49136
fee shall be credited to the real estate education and research 49137
fund. 49138

(C) There shall be no limit placed on the number of times an 49139
applicant may retake the examination. 49140

(D) The superintendent, with the consent of the commission, 49141
may enter into an agreement with a recognized national testing 49142
service to administer the real estate salesperson's examination 49143
under the superintendent's supervision and control, consistent 49144
with the requirements of this chapter as to the contents of the 49145
examination. 49146

If the superintendent, with the consent of the commission, 49147
enters into an agreement with a national testing service to 49148
administer the real estate salesperson's examination, the 49149
superintendent may require an applicant to pay the testing 49150
service's examination fee directly to the testing service. If the 49151
superintendent requires the payment of the examination fee 49152
directly to the testing service, each applicant shall submit to 49153
the superintendent a processing fee in an amount determined by the 49154
Ohio real estate commission pursuant to division (A)(1) of section 49155
4735.10 of the Revised Code. 49156

(E) The superintendent shall issue a real estate 49157
salesperson's license when satisfied that the applicant has 49158
received a passing score on each portion of the salesperson's 49159
examination as determined by rule by the real estate commission, 49160
except that the superintendent may waive one or more of the 49161
requirements of this section in the case of an applicant who is a 49162

licensed real estate salesperson in another state pursuant to a 49163
reciprocity agreement with the licensing authority of the state 49164
from which the applicant holds a valid real estate salesperson's 49165
license. 49166

(F) No applicant for a salesperson's license shall take the 49167
salesperson's examination who has not established to the 49168
satisfaction of the superintendent that the applicant: 49169

(1) Is honest, truthful, and of good reputation; 49170

(2)(a) Has not been convicted of a felony or crime of moral 49171
turpitude or, if the applicant has been so convicted, the 49172
superintendent has disregarded the conviction because the 49173
applicant has proven to the superintendent, by a preponderance of 49174
the evidence, that the applicant's activities and employment 49175
record since the conviction show that the applicant is honest, 49176
truthful, and of good reputation, and there is no basis in fact 49177
for believing that the applicant again will violate the laws 49178
involved; 49179

(b) Has not been finally adjudged by a court to have violated 49180
any municipal, state, or federal civil rights laws relevant to the 49181
protection of purchasers or sellers of real estate or, if the 49182
applicant has been so adjudged, at least two years have passed 49183
since the court decision and the superintendent has disregarded 49184
the adjudication because the applicant has proven, by a 49185
preponderance of the evidence, that the applicant is honest, 49186
truthful, and of good reputation, and there is no basis in fact 49187
for believing that the applicant again will violate the laws 49188
involved. 49189

(3) Has not, during any period in which the applicant was 49190
licensed under this chapter, violated any provision of, or any 49191
rule adopted pursuant to this chapter, or, if the applicant has 49192
violated such provision or rule, has established to the 49193

satisfaction of the superintendent that the applicant will not
again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or
a certificate of high school equivalence issued by the department
of education;

(6) Has successfully completed at an institution of higher
education all of the following credit-eligible courses by either
classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of
Ohio real estate law, municipal, state, and federal civil rights
law, new case law on housing discrimination, desegregation issues,
and methods of eliminating the effects of prior discrimination. If
feasible, the instruction in Ohio real estate law shall be taught
by a member of the faculty of an accredited law school. If
feasible, the instruction in municipal, state, and federal civil
rights law, new case law on housing discrimination, desegregation
issues, and methods of eliminating the effects of prior
discrimination shall be taught by a staff member of the Ohio civil
rights commission who is knowledgeable with respect to those
subjects. The requirements of this division do not apply to an
applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by
division (F)(6) of this section shall be determined by the law in
effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any
new applicant who holds a valid Ohio real estate appraiser license

or certificate issued prior to the date of application for a real estate salesperson's license. 49224
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(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section. 49226
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(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination. 49233
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(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education. 49240
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If proof of completion of the required instruction is not 49255

submitted within twelve months of the date a license is issued 49256
under this section, the licensee's license is suspended 49257
automatically without the taking of any action by the 49258
superintendent. The superintendent immediately shall notify the 49259
broker with whom such salesperson is associated of the suspension 49260
of the salesperson's license. A salesperson whose license has been 49261
suspended under this division shall have twelve months after the 49262
date of the suspension of the salesperson's license to submit 49263
proof of successful completion of the instruction required under 49264
this division. No such license shall be reactivated by the 49265
superintendent until it is established, to the satisfaction of the 49266
superintendent, that the requirements of this division have been 49267
met and that the licensee is in compliance with this chapter. A 49268
licensee's license is revoked automatically without the taking of 49269
any action by the superintendent when the licensee fails to submit 49270
the required proof of completion of the education requirements 49271
under division (I) of this section within twelve months of the 49272
date the license is suspended. 49273

(K) Examinations shall be administered with reasonable 49274
accommodations in accordance with the requirements of the 49275
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 49276
U.S.C. 12189. The contents of an examination shall be consistent 49277
with the classroom instructional requirements of division (F)(6) 49278
of this section. An applicant who has completed the classroom 49279
instructional requirements of division (F)(6) of this section at 49280
the time of application shall be examined no later than twelve 49281
months after the applicant is notified of the applicant's 49282
admission to the examination. 49283

Sec. 4735.12. (A) The real estate recovery fund is hereby 49284
created in the state treasury, to be administered by the 49285
superintendent of real estate. Amounts collected by the 49286
superintendent as prescribed in this section and interest earned 49287

on the assets of the fund shall be credited by the treasurer of 49288
state to the fund. The amount of money in the fund shall be 49289
ascertained by the superintendent as of the first day of July of 49290
each year. 49291

The commission, in accordance with rules adopted under 49292
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 49293
impose a special assessment not to exceed ten dollars per year for 49294
each year of a licensing period on each licensee filing a notice 49295
of renewal under section 4735.14 of the Revised Code if the amount 49296
available in the fund is less than ~~five~~ two hundred fifty thousand 49297
dollars on the first day of July preceding that filing. ~~The~~ 49298
~~commission may impose a special assessment not to exceed five~~ 49299
~~dollars per year for each year of a licensing period if the amount~~ 49300
~~available in the fund is greater than one million dollars, but~~ 49301
~~less than two million dollars on the first day of July preceding~~ 49302
~~that filing.~~ The commission shall not impose a special assessment 49303
if the amount available in the fund exceeds two ~~million~~ hundred 49304
fifty thousand dollars on the first day of July preceding that 49305
filing. 49306

(B)(1) Any person who obtains a final judgment in any court 49307
of competent jurisdiction against any broker or salesperson 49308
licensed under this chapter, on the grounds of conduct that is in 49309
violation of this chapter or the rules adopted under it, and that 49310
is associated with an act or transaction that only a licensed real 49311
estate broker or licensed real estate salesperson is authorized to 49312
perform as specified in division (A) or (C) of section 4735.01 of 49313
the Revised Code, may file a verified application, as described in 49314
division (B)(3) of this section, in the court of common pleas of 49315
Franklin county for an order directing payment out of the real 49316
estate recovery fund of the portion of the judgment that remains 49317
unpaid and that represents the actual and direct loss sustained by 49318
the applicant. 49319

(2) Punitive damages, attorney's fees, and interest on a judgment are not recoverable from the fund. In the discretion of the superintendent of real estate, court costs may be recovered from the fund, and, if the superintendent authorizes the recovery of court costs, the order of the court of common pleas then may direct their payment from the fund.

(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:	49350 49351
(a) Actions arising from property management accounts maintained in the name of the property owner;	49352 49353
(b) A bonding company when it is not a principal in a real estate transaction;	49354 49355
(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;	49356 49357 49358 49359
(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.	49360 49361
(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application	49362 49363 49364 49365 49366 49367 49368 49369 49370 49371 49372 49373 49374 49375 49376 49377 49378 49379 49380

of an aggrieved party. The superintendent shall not be bound by 49381
any prior compromise or stipulation of the judgment debtor. 49382

(D) Notwithstanding any other provision of this section, the 49383
liability of the fund shall not exceed forty thousand dollars for 49384
any one licensee. If a licensee's license is reactivated as 49385
provided in division (E) of this section, the liability of the 49386
fund for the licensee under this section shall again be forty 49387
thousand dollars, but only for transactions that occur subsequent 49388
to the time of reactivation. 49389

If the forty-thousand-dollar liability of the fund is 49390
insufficient to pay in full the valid claims of all aggrieved 49391
persons by whom claims have been filed against any one licensee, 49392
the forty thousand dollars shall be distributed among them in the 49393
ratio that their respective claims bear to the aggregate of valid 49394
claims or in such other manner as the court finds equitable. 49395
Distribution of moneys shall be among the persons entitled to 49396
share in it, without regard to the order of priority in which 49397
their respective judgments may have been obtained or their claims 49398
have been filed. Upon petition of the superintendent, the court 49399
may require all claimants and prospective claimants against one 49400
licensee to be joined in one action, to the end that the 49401
respective rights of all such claimants to the fund may be 49402
equitably adjudicated and settled. 49403

(E) If the superintendent pays from the fund any amount in 49404
settlement of a claim or toward satisfaction of a judgment against 49405
a licensed broker or salesperson, the license of the broker or 49406
salesperson shall be automatically suspended upon the date of 49407
payment from the fund. The superintendent shall not reactivate the 49408
suspended license of that broker or salesperson until the broker 49409
or salesperson has repaid in full, plus interest per annum at the 49410
rate specified in division (A) of section 1343.03 of the Revised 49411
Code, the amount paid from the fund on the broker's or 49412

salesperson's account. A discharge in bankruptcy does not relieve 49413
a person from the suspension and requirements for reactivation 49414
provided in this section unless the underlying judgment has been 49415
included in the discharge and has not been reaffirmed by the 49416
debtor. 49417

(F) If, at any time, the money deposited in the fund is 49418
insufficient to satisfy any duly authorized claim or portion of a 49419
claim, the superintendent shall, when sufficient money has been 49420
deposited in the fund, satisfy such unpaid claims or portions, in 49421
the order that such claims or portions were originally filed, plus 49422
accumulated interest per annum at the rate specified in division 49423
(A) of section 1343.03 of the Revised Code. 49424

(G) When, upon the order of the court, the superintendent has 49425
paid from the fund any sum to the judgment creditor, the 49426
superintendent shall be subrogated to all of the rights of the 49427
judgment creditor to the extent of the amount so paid, and the 49428
judgment creditor shall assign all the judgment creditor's right, 49429
title, and interest in the judgment to the superintendent to the 49430
extent of the amount so paid. Any amount and interest so recovered 49431
by the superintendent on the judgment shall be deposited in the 49432
fund. 49433

(H) Nothing contained in this section shall limit the 49434
authority of the superintendent to take disciplinary action 49435
against any licensee under other provisions of this chapter; nor 49436
shall the repayment in full of all obligations to the fund by any 49437
licensee nullify or modify the effect of any other disciplinary 49438
proceeding brought pursuant to this chapter. 49439

(I) The superintendent shall collect from the fund a service 49440
fee in an amount equivalent to the interest rate specified in 49441
division (A) of section 1343.03 of the Revised Code multiplied by 49442
the annual interest earned on the assets of the fund, to defray 49443
the expenses incurred in the administration of the fund. 49444

Sec. 4735.13. (A) Every real estate broker licensed under 49445
this chapter shall have and maintain a definite place of business 49446
in this state. A post office box address is not a definite place 49447
of business for purposes of this section. The license of a real 49448
estate broker shall be prominently displayed in the office or 49449
place of business of the broker, and no license shall authorize 49450
the licensee to do business except from the location specified in 49451
it. If the broker maintains more than one place of business within 49452
the state, the broker shall apply for and procure a duplicate 49453
license for each branch office maintained by the broker. Each 49454
branch office shall be in the charge of a licensed broker or 49455
salesperson. The branch office license shall be prominently 49456
displayed at the branch office location. 49457

(B) The license of each real estate salesperson shall be 49458
mailed to and remain in the possession of the licensed broker with 49459
whom the salesperson is or is to be associated until the licensee 49460
places the license on inactive or resigned status or until the 49461
salesperson leaves the brokerage or is terminated. The broker 49462
shall keep each salesperson's license in a way that it can, and 49463
shall on request, be made immediately available for public 49464
inspection at the office or place of business of the broker. 49465
Except as provided in divisions (G) and (H) of this section, 49466
immediately upon the salesperson's leaving the association or 49467
termination of the association of a real estate salesperson with 49468
the broker, the broker shall return the salesperson's license to 49469
the superintendent of real estate. 49470

The failure of a broker to return the license of a real 49471
estate salesperson or broker who leaves or who is terminated, via 49472
certified mail return receipt requested, within three business 49473
days of the receipt of a written request from the superintendent 49474
for the return of the license, is prima-facie evidence of 49475
misconduct under division (A)(6) of section 4735.18 of the Revised 49476

Code.	49477
(C) A licensee shall notify the superintendent in writing	49478
within fifteen days of any of the following occurrences:	49479
(1) The licensee is convicted of a felony.	49480
(2) The licensee is convicted of a crime involving moral turpitude.	49481 49482
(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.	49483 49484 49485
(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.	49486 49487 49488
(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.	49489 49490 49491 49492
(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.	49493 49494 49495 49496
If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.	49497 49498 49499
Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.	49500 49501 49502 49503
(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of	49504 49505 49506

location, whereupon the superintendent shall issue new licenses 49507
for the unexpired period without charge. If a broker changes a 49508
business location without giving the required notice and without 49509
receiving new licenses that action is prima-facie evidence of 49510
misconduct under division (A)(6) of section 4735.18 of the Revised 49511
Code. 49512

(E) If a real estate broker desires to associate with another 49513
real estate broker in the capacity of a real estate salesperson, 49514
the broker shall apply to the superintendent to deposit the 49515
broker's real estate broker's license with the superintendent and 49516
for the issuance of a real estate salesperson's license. The 49517
application shall be made on a form prescribed by the 49518
superintendent and shall be accompanied by the recommendation of 49519
the real estate broker with whom the applicant intends to become 49520
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 49521
real estate salesperson's license. One dollar of the fee shall be 49522
credited to the real estate education and research fund. If the 49523
superintendent is satisfied that the applicant is honest, 49524
truthful, and of good reputation, has not been convicted of a 49525
felony or a crime involving moral turpitude, and has not been 49526
finally adjudged by a court to have violated any municipal, state, 49527
or federal civil rights laws relevant to the protection of 49528
purchasers or sellers of real estate, and that the association of 49529
the real estate broker and the applicant will be in the public 49530
interest, the superintendent shall grant the application and issue 49531
a real estate salesperson's license to the applicant. Any license 49532
so deposited with the superintendent shall be subject to this 49533
chapter. A broker who intends to deposit the broker's license with 49534
the superintendent, as provided in this section, shall give 49535
written notice of this fact in a format prescribed by the 49536
superintendent to all salespersons associated with the broker when 49537
applying to place the broker's license on deposit. 49538

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. One dollar of the fee shall be credited to the real estate education and research fund.

A licensed real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the

licensee served in active duty. The superintendent shall notify 49571
the licensee of the licensee's obligations under section 4735.141 49572
of the Revised Code at the time the licensee applies for 49573
reactivation of the licensee's license. 49574

(2) If a licensee is a spouse of a member of the armed forces 49575
and the spouse's service resulted in the licensee's absence from 49576
this state, both of the following apply: 49577

(a) The licensee shall not be required to renew the license 49578
until the renewal date that follows the date of the spouse's 49579
discharge from the armed forces. 49580

(b) If the licensee fails to meet the continuing education 49581
requirements of section 4735.141 of the Revised Code, the licensee 49582
shall satisfy the commission that the licensee has complied with 49583
the continuing education requirements within twelve months after 49584
the licensee's first birthday after the spouse's discharge or 49585
within the amount of time equal to the total number of months the 49586
licensee's spouse spent on active duty, whichever is greater. The 49587
licensee shall submit proper documentation of the spouse's active 49588
duty service and the length of that active duty service. This 49589
extension shall not exceed the total number of months that the 49590
licensee's spouse served in active duty. 49591

(3) In the case of a licensee as described in division (G)(2) 49592
of this section, who holds the license through a reciprocity 49593
agreement with another state, the spouse's service shall have 49594
resulted in the licensee's absence from the licensee's state of 49595
residence for the provisions of that division to apply. 49596

(4) As used in this division, "armed forces" means the armed 49597
forces of the United States or reserve component of the armed 49598
forces of the United States including the Ohio national guard or 49599
the national guard of any other state. 49600

(H) If a licensed real estate salesperson submits an 49601

application to the superintendent to leave the association of one 49602
broker to associate with a different broker, the broker possessing 49603
the licensee's license need not return the salesperson's license 49604
to the superintendent. The superintendent may process the 49605
application regardless of whether the licensee's license is 49606
returned to the superintendent. 49607

Sec. 4735.143. (A) Each person applying for the real estate 49608
broker or salesperson license examination, including applications 49609
for a license through reciprocity with another state, shall 49610
disclose on the application whether the applicant has been 49611
convicted of a felony or crime of moral turpitude as defined in 49612
section 4776.10 of the Revised Code. Each person applying for a 49613
license shall submit one complete set of fingerprint impressions 49614
directly to the superintendent of the bureau of criminal 49615
identification and investigation for the purpose of conducting a 49616
criminal records check. The applicant shall provide the 49617
fingerprint impressions using a method the superintendent of the 49618
bureau of criminal identification and investigation prescribes and 49619
fill out the form the superintendent prescribes pursuant to 49620
division (C) of section 109.572 of the Revised Code. Upon 49621
receiving an application under this section, the superintendent of 49622
real estate and professional licensing shall request the 49623
superintendent of the bureau of criminal identification and 49624
investigation, or a vendor approved by the bureau, to conduct a 49625
criminal records check based on the applicant's fingerprint 49626
impressions in accordance with division (A)(16) of section 109.572 49627
of the Revised Code. Notwithstanding division (K) of section 49628
121.08 of the Revised Code, the superintendent of real estate and 49629
professional licensing shall request that criminal record 49630
information based on the applicant's fingerprints be obtained from 49631
the federal bureau of investigation as part of the criminal 49632
records check. Any fee required under division (C)(3) of section 49633

109.572 of the Revised Code shall be paid by the applicant. 49634

(B) An applicant who disclosed on the application that the applicant has been convicted of a felony or crime of moral turpitude shall only be permitted to take the examination after the results of the criminal records check have been received by the superintendent and the superintendent has made a determination to disregard the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved. 49635
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(C) Persons who have indicated on the application that they have not been convicted of a felony or crime of moral turpitude, shall, if all other requirements for licensure have been satisfied, be permitted to take the real estate examination for which the applicant has applied prior to the superintendent's receipt of the results of the criminal records check. If the applicant receives a passing score on the examination and meets the other requirements for the license, the superintendent shall issue a provisional license pending the results of the criminal records check. During this provisional status, the licensee may perform acts that require a real estate license. If the results of the criminal records check subsequently confirm that the licensee has no convictions, the provisional status shall be removed. If it is determined that the licensee has been convicted of a felony or crime of moral turpitude, the superintendent may immediately suspend the license of the licensee. 49646
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(D) Any entity offering the prelicensure education required to obtain a real estate license in this state shall, prior to a student's enrollment in a class, notify the student of both of the 49662
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<u>following:</u>	49665
<u>(1) That a conviction of felony or crime of moral turpitude may disqualify an individual from obtaining a real estate license;</u>	49666 49667
<u>(2) The student's rights under section 9.78 of the Revised Code to request a determination as to whether such a conviction will disqualify the student.</u>	49668 49669 49670
Sec. 4735.15. (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows:	49671 49672
(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company, limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, twenty-five <u>thirty-four</u> dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.	49673 49674 49675 49676 49677 49678 49679 49680 49681
(2) Reactivation or transfer of a license by a real estate salesperson, twenty-five <u>thirty-four</u> dollars.	49682 49683
(B) Except as may otherwise be specified pursuant to division (F) of this section <u>or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code</u> , the nonrefundable fees for a branch office license, license renewal, late filing, and foreign real estate dealer and salesperson license are as follows per year for each year of a licensing period:	49684 49685 49686 49687 49688 49689 49690
(1) Branch office license, fifteen <u>twenty</u> dollars;	49691
(2) Renewal of a <u>three-year</u> real estate broker's license, sixty two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited	49692 49693 49694

liability partnership, or corporation, the full broker's renewal 49695
fee shall be required for each member of such partnership, 49696
association, limited liability company, limited liability 49697
partnership, or corporation that is a real estate broker. If the 49698
real estate broker has not less than eleven nor more than twenty 49699
real estate salespersons associated with the broker, an additional 49700
fee of sixty-four dollars shall be assessed to the brokerage. For 49701
every additional ten real estate salespersons or fraction of that 49702
number, the brokerage assessment fee shall be increased in the 49703
amount of thirty-seven dollars. 49704

(3) Renewal of a three-year real estate salesperson's 49705
license, ~~forty-five~~ one hundred eighty-two dollars; 49706

(4) Renewal of a real estate broker's or salesperson's 49707
license filed within twelve months after the licensee's renewal 49708
date, an additional late filing penalty of fifty per cent of the 49709
required three-year fee; 49710

(5) Foreign real estate dealer's license and each renewal of 49711
the license, thirty dollars per salesperson employed by the 49712
dealer, but not less than ~~one~~ two hundred fifty three dollars; 49713

(6) Foreign real estate salesperson's license and each 49714
renewal of the license, ~~fifty~~ sixty-eight dollars. 49715

(C) All fees collected under this section shall be paid to 49716
the treasurer of state. One dollar of each such fee shall be 49717
credited to the real estate education and research fund, except 49718
that for fees that are assessed only once every three years, three 49719
dollars of each triennial fee shall be credited to the real estate 49720
education and research fund. 49721

(D) In all cases, the fee and any penalty shall accompany the 49722
application for the license, license transfer, or license 49723
reactivation or shall accompany the filing of the renewal. 49724

(E) The commission may establish by rule reasonable fees for 49725

services not otherwise established by this chapter. 49726

(F) The commission may adopt rules that provide for a 49727
reduction in the fees established in divisions (B)(2) and (3) of 49728
this section. 49729

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 49730
Code, the superintendent of real estate, upon the superintendent's 49731
own motion, may investigate the conduct of any licensee. Subject 49732
to division (E) of this section and section 4735.32 of the Revised 49733
Code, the Ohio real estate commission shall impose disciplinary 49734
sanctions upon any licensee who, whether or not acting in the 49735
licensee's capacity as a real estate broker or salesperson, or in 49736
handling the licensee's own property, is found to have been 49737
convicted of a felony or a crime of moral turpitude, and may 49738
impose disciplinary sanctions upon any licensee who, in the 49739
licensee's capacity as a real estate broker or salesperson, or in 49740
handling the licensee's own property, is found guilty of: 49741

(1) Knowingly making any misrepresentation; 49742

(2) Making any false promises with intent to influence, 49743
persuade, or induce; 49744

(3) A continued course of misrepresentation or the making of 49745
false promises through agents, salespersons, advertising, or 49746
otherwise; 49747

(4) Acting for more than one party in a transaction except as 49748
permitted by and in compliance with section 4735.71 of the Revised 49749
Code; 49750

(5) Failure within a reasonable time to account for or to 49751
remit any money coming into the licensee's possession which 49752
belongs to others; 49753

(6) Dishonest or illegal dealing, gross negligence, 49754
incompetency, or misconduct; 49755

(7)(a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	49788 49789 49790 49791 49792 49793
(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;	49794 49795
(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;	49796 49797 49798
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;	49799 49800 49801 49802 49803
(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;	49804 49805 49806
(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;	49807 49808 49809
(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;	49810 49811 49812
(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;	49813 49814 49815
(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant	49816 49817

knowing that such seller, purchaser, lessor, or tenant is 49818
represented by another broker under a written exclusive agency 49819
agreement, exclusive right to sell or lease listing agreement, or 49820
exclusive purchaser agency agreement with respect to such property 49821
except as provided for in section 4735.75 of the Revised Code; 49822

(20) Having offered real property for sale or for lease 49823
without the knowledge and consent of the owner or the owner's 49824
authorized agent, or on any terms other than those authorized by 49825
the owner or the owner's authorized agent; 49826

(21) Having published advertising, whether printed, radio, 49827
display, or of any other nature, which was misleading or 49828
inaccurate in any material particular, or in any way having 49829
misrepresented any properties, terms, values, policies, or 49830
services of the business conducted; 49831

(22) Having knowingly withheld from or inserted in any 49832
statement of account or invoice any statement that made it 49833
inaccurate in any material particular; 49834

(23) Having published or circulated unjustified or 49835
unwarranted threats of legal proceedings which tended to or had 49836
the effect of harassing competitors or intimidating their 49837
customers; 49838

(24) Having failed to keep complete and accurate records of 49839
all transactions for a period of three years from the date of the 49840
transaction, such records to include copies of listing forms, 49841
earnest money receipts, offers to purchase and acceptances of 49842
them, records of receipts and disbursements of all funds received 49843
by the licensee as broker and incident to the licensee's 49844
transactions as such, and records required pursuant to divisions 49845
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 49846
other instruments or papers related to the performance of any of 49847
the acts set forth in the definition of a real estate broker; 49848

(25) Failure of a real estate broker or salesperson to 49849
furnish all parties involved in a real estate transaction true 49850
copies of all listings and other agreements to which they are a 49851
party, at the time each party signs them; 49852

(26) Failure to maintain at all times a special or trust bank 49853
account in a depository located in this state. The account shall 49854
be noninterest-bearing, separate and distinct from any personal or 49855
other account of the broker, and, except as provided in division 49856
(A)(27) of this section, shall be used for the deposit and 49857
maintenance of all escrow funds, security deposits, and other 49858
moneys received by the broker in a fiduciary capacity. The name, 49859
account number, if any, and location of the depository wherein 49860
such special or trust account is maintained shall be submitted in 49861
writing to the superintendent. Checks drawn on such special or 49862
trust bank accounts are deemed to meet the conditions imposed by 49863
section 1349.21 of the Revised Code. Funds deposited in the trust 49864
or special account in connection with a purchase agreement shall 49865
be maintained in accordance with section 4735.24 of the Revised 49866
Code. 49867

(27) Failure to maintain at all times a special or trust bank 49868
account in a depository in this state, to be used exclusively for 49869
the deposit and maintenance of all rents, security deposits, 49870
escrow funds, and other moneys received by the broker in a 49871
fiduciary capacity in the course of managing real property. This 49872
account shall be separate and distinct from any other account 49873
maintained by the broker. The name, account number, and location 49874
of the depository shall be submitted in writing to the 49875
superintendent. This account may earn interest, which shall be 49876
paid to the property owners on a pro rata basis. 49877

Division (A)(27) of this section does not apply to brokers 49878
who are not engaged in the management of real property on behalf 49879
of real property owners. 49880

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;	49881 49882
(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;	49883 49884 49885
(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;	49886 49887 49888 49889 49890 49891
(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;	49892 49893 49894
(32) Performing any service for another constituting the practice of law, as determined by any court of law;	49895 49896
(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.	49897 49898 49899 49900 49901
(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	49902 49903 49904 49905 49906 49907
(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;	49908 49909 49910

(36) Having failed to inform the licensee's client of the 49911
existence of an offer or counteroffer or having failed to present 49912
an offer or counteroffer in a timely manner, unless otherwise 49913
instructed by the client, provided the instruction of the client 49914
does not conflict with any state or federal law; 49915

(37) Having failed to comply with section 4735.24 of the 49916
Revised Code; 49917

(38) Having acted as a broker without authority, impeded the 49918
ability of a principal broker to perform any of the duties 49919
described in section 4735.081 of the Revised Code, or impeded the 49920
ability a management level licensee to perform the licensee's 49921
duties. 49922

(B) Whenever the commission, pursuant to section 4735.051 of 49923
the Revised Code, imposes disciplinary sanctions for any violation 49924
of this section, the commission also may impose such sanctions 49925
upon the broker with whom the salesperson is affiliated if the 49926
commission finds that the broker had knowledge of the 49927
salesperson's actions that violated this section. 49928

(C) The commission shall, pursuant to section 4735.051 of the 49929
Revised Code, impose disciplinary sanctions upon any foreign real 49930
estate dealer or salesperson who, in that capacity or in handling 49931
the dealer's or salesperson's own property, is found guilty of any 49932
of the acts or omissions specified or comprehended in division (A) 49933
of this section insofar as the acts or omissions pertain to 49934
foreign real estate. If the commission imposes such sanctions upon 49935
a foreign real estate salesperson for a violation of this section, 49936
the commission also may suspend or revoke the license of the 49937
foreign real estate dealer with whom the salesperson is affiliated 49938
if the commission finds that the dealer had knowledge of the 49939
salesperson's actions that violated this section. 49940

(D) The commission may suspend, in whole or in part, the 49941

imposition of the penalty of suspension of a license under this 49942
section. 49943

(E) A person licensed under this chapter who represents a 49944
party to a transaction or a proposed transaction involving the 49945
sale, purchase, exchange, lease, or management of real property 49946
that is or will be used in the cultivation, processing, 49947
dispensing, or testing of medical marijuana under Chapter 3796. of 49948
the Revised Code, or who receives, holds, or disburses funds from 49949
a real estate brokerage trust account in connection with such a 49950
transaction, shall not be subject to disciplinary sanctions under 49951
this chapter as a consequence of that action. 49952

Sec. 4735.182. If a check or other draft instrument used to 49953
pay any fee required under this chapter is returned to the 49954
superintendent unpaid by the financial institution upon which it 49955
is drawn for any reason, the superintendent shall notify the 49956
entity or person that the check or other draft instrument was 49957
returned for insufficient funds. 49958

(A) If the check or draft instrument was submitted by a 49959
licensee, the superintendent shall also notify the licensee that 49960
the licensee's license will be suspended unless the licensee, 49961
within fifteen days after the mailing of the notice, submits the 49962
fee and a one-hundred-dollar fee to the superintendent. If the 49963
licensee does not submit both fees within that time period, or if 49964
any check or other draft instrument used to pay either of those 49965
fees is returned to the superintendent unpaid by the financial 49966
institution upon which it is drawn for any reason, the license 49967
shall be suspended immediately without a hearing and the licensee 49968
shall cease activity as a licensee under this chapter. 49969

(B) If the check or draft instrument was remitted by a person 49970
or entity applying to qualify foreign real estate or renew a 49971
property registration, the superintendent shall also notify the 49972

applicant that registration will be suspended, unless the 49973
applicant, within fifteen days after the mailing of the notice, 49974
submits the fee and a one-hundred-dollar fee to the 49975
superintendent. If the applicant does not submit both fees within 49976
that time period, or if any check or other draft instrument used 49977
to pay either of the fees is returned to the superintendent unpaid 49978
by the financial institution upon which it is drawn for any 49979
reason, the property registration shall be suspended immediately 49980
without a hearing and the applicant shall cease activity. 49981

(C) If the check or draft instrument was remitted by an 49982
applicant for licensure, that application shall automatically be 49983
rejected or approval withdrawn, unless the applicant, within 49984
fifteen days after the mailing of the notice, submits the fee and 49985
a one-hundred-dollar fee to the superintendent. If the applicant 49986
does not submit both fees within that time period, or if any check 49987
or other draft instrument used to pay either of those fees is 49988
returned to the superintendent unpaid by the financial institution 49989
upon which it is drawn for any reason, the application shall be 49990
denied or approval withdrawn. 49991

(D) If the check or draft instrument was remitted by an 49992
education course provider or course provider applicant, that 49993
application shall automatically be rejected or approval withdrawn, 49994
unless the applicant, within fifteen days after the mailing of the 49995
notice, submits the fee and a ~~one-hundred-dollar~~ 49996
one-hundred-thirty-five-dollar fee to the superintendent. If the 49997
applicant does not submit both fees within that time period, or if 49998
any check or other draft instrument used to pay either of those 49999
fees is returned to the superintendent unpaid by the financial 50000
institution upon which it is drawn for any reason, the application 50001
shall be denied or approval withdrawn. 50002

Sec. 4735.27. (A) An application to act as a foreign real 50003

estate dealer shall be in writing and filed with the 50004
superintendent of real estate. It shall be in the form the 50005
superintendent prescribes and shall contain the following 50006
information: 50007

(1) The name and address of the applicant; 50008

(2) A description of the applicant, including, if the 50009
applicant is a partnership, unincorporated association, or any 50010
similar form of business organization, the names and the residence 50011
and business addresses of all partners, officers, directors, 50012
trustees, or managers of the organization, and the limitation of 50013
the liability of any partner or member; and if the applicant is a 50014
corporation, a list of its officers and directors, and the 50015
residence and business addresses of each, and, if it is a foreign 50016
corporation, a copy of its articles of incorporation in addition; 50017

(3) The location and addresses of the principal office and 50018
all other offices of the applicant; 50019

(4) A general description of the business of the applicant 50020
prior to the application, including a list of states in which the 50021
applicant is a licensed foreign real estate dealer; 50022

(5) The names and addresses of all ~~salesmen~~ salespersons of 50023
the applicant at the date of the application; 50024

(6) The nature of the business of the applicant, and its 50025
places of business, for the ten-year period preceding the date of 50026
application. 50027

(B) Every nonresident applicant shall name a person within 50028
this state upon whom process against the applicant may be served 50029
and shall give the complete residence and business address of the 50030
person designated. Every applicant shall file an irrevocable 50031
written consent, executed and acknowledged by an individual duly 50032
authorized to give such consent, that actions growing out of a 50033
fraud committed by the applicant in connection with the sale in 50034

this state of foreign real estate may be commenced against it, in 50035
the proper court of any county in this state in which a cause of 50036
action for such fraud may arise or in which the plaintiff in such 50037
action may reside, by serving on the secretary of state any proper 50038
process or pleading authorized by the laws of this state, in the 50039
event that the applicant if a resident of this state, or the 50040
person designated by the nonresident applicant, cannot be found at 50041
the address given. The consent shall stipulate that the service of 50042
process on the secretary of state shall be taken in all courts to 50043
be as valid and binding as if service had been made upon the 50044
foreign real estate dealer. If the applicant is a corporation or 50045
an unincorporated association, the consent shall be accompanied by 50046
a certified copy of the resolution of the board of directors, 50047
trustees, or managers of the corporation or association, 50048
authorizing such individual to execute the consent. 50049

(C) The superintendent may investigate any applicant for a 50050
dealer's license, and may require any additional information ~~he~~ 50051
the superintendent considers necessary to determine the business 50052
repute and qualifications of the applicant to act as a foreign 50053
real estate dealer. If the application for a dealer's license 50054
involves investigation outside this state, the superintendent may 50055
require the applicant to advance sufficient funds to pay any of 50056
the actual expenses of the investigation, and an itemized 50057
statement of such expense shall be furnished to the applicant. 50058

(D) Every applicant shall take a written examination, 50059
prescribed and conducted by the superintendent, which covers ~~his~~ 50060
the applicant's knowledge of the principles of real estate 50061
practice, real estate law, financing and appraisal, real estate 50062
transactions and instruments relating to them, canons of business 50063
ethics relating to real estate transactions, and the duties of 50064
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 50065
the examination, when administered by the superintendent, is 50066

~~seventy-five~~ one hundred one dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.

Any applicant who fails the examination twice shall wait six months before applying to retake the examination.

(E) No person shall take the foreign real estate dealer's examination who has not established to the satisfaction of the superintendent that ~~he~~ the person:

(1) Has not been convicted of a felony or a crime of moral turpitude or, if ~~he~~ the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the conviction show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(2) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if ~~he~~ the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that ~~his~~ the applicant's activities and employment record since the adjudication show that ~~he~~ the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that ~~he~~ the applicant again will violate the laws involved;

(3) Has not, during any period for which ~~he~~ the applicant was 50099
licensed under this chapter or any former section of the Revised 50100
Code applicable to licensed foreign real estate dealers or 50101
~~salesmen~~ salespersons, violated any provision of, or any rule 50102
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 50103
applicant has violated any such provision or rule, has established 50104
to the satisfaction of the superintendent that ~~he~~ the applicant 50105
will not again violate the provision or rule. 50106

(F) If the superintendent finds that an applicant for a 50107
license as a foreign real estate dealer, or each named member, 50108
manager, or officer of a partnership, association, or corporate 50109
applicant is at least eighteen years of age, is of good business 50110
repute, has passed the examination required under this section or 50111
has had the requirement of an examination waived, and appears 50112
otherwise qualified, the superintendent shall issue a license to 50113
the applicant to engage in business in this state as a foreign 50114
real estate dealer. Dealers licensed pursuant to this section 50115
shall employ as ~~salesmen~~ salespersons of foreign real estate only 50116
persons licensed pursuant to section 4735.28 of the Revised Code. 50117
If at any time such ~~salesmen~~ salespersons resign or are discharged 50118
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 50119
notify the superintendent and shall file with the division of real 50120
estate the names and addresses of new ~~salesmen~~ salespersons. 50121

(G) If the applicant merely is renewing ~~his~~ the applicant's 50122
license for the previous year, the application need contain only 50123
the information required by divisions (A)(2), (3), and (6) of this 50124
section. 50125

Sec. 4735.28. (A) An application to act as a foreign real 50126
estate ~~salesman~~ salesperson shall be in writing and filed with the 50127
superintendent of real estate. It shall be in the form the 50128
superintendent prescribes and shall contain the following 50129

information: 50130

(1) The name and complete residence and business addresses of 50131
the applicant; 50132

(2) The name of the foreign real estate dealer who is 50133
employing the applicant or who intends to employ ~~him~~ the 50134
applicant; 50135

(3) The age and education of the applicant, and ~~his~~ the 50136
applicant's experience in the sale of foreign real estate; whether 50137
~~he~~ the applicant has ever been licensed by the superintendent, and 50138
if so, when; whether ~~he~~ the applicant has ever been refused a 50139
license by the superintendent; and whether ~~he~~ the applicant has 50140
ever been licensed or refused a license or any similar permit by 50141
any division or superintendent of real estate, by whatsoever name 50142
known or designated, anywhere; 50143

(4) The nature of the employment, and the names and addresses 50144
of the employers, of the applicant for the period of ten years 50145
immediately preceding the date of the application. 50146

(B) Every applicant shall take a written examination, 50147
prescribed and conducted by the superintendent, which covers ~~his~~ 50148
the applicant's knowledge of the principles of real estate 50149
practice, real estate law, financing and appraisal, real estate 50150
transactions and instruments relating to them, canons of business 50151
ethics relating to real estate transactions, and the duties of 50152
foreign real estate ~~salesmen~~ salespersons. The fee for the 50153
examination, when administered by the superintendent, is ~~fifty~~ 50154
sixty-eight dollars. If the applicant does not appear for the 50155
examination, the fee shall be forfeited and a new application and 50156
fee shall be filed, unless good cause for the failure to appear is 50157
shown to the superintendent. The requirement of an examination may 50158
be waived in whole or in part by the superintendent if an 50159
applicant is licensed as a real estate broker or ~~salesman~~ 50160

salesperson by any state. 50161

Any applicant who fails the examination twice shall wait six 50162
months before applying to retake the examination. 50163

(C) No person shall take the foreign real estate ~~salesman's~~ 50164
salesperson's examination who has not established to the 50165
satisfaction of the superintendent that ~~he~~ the person: 50166

(1) Has not been convicted of a felony or a crime of moral 50167
turpitude or, if ~~he~~ the applicant has been so convicted, the 50168
superintendent has disregarded the conviction because the 50169
applicant has proven to the superintendent, by a preponderance of 50170
the evidence, that ~~his~~ the applicant's activities and employment 50171
record since the conviction show that ~~he~~ the applicant is honest, 50172
truthful, and of good reputation, and there is no basis in fact 50173
for believing that ~~he~~ the applicant again will violate the laws 50174
involved; 50175

(2) Has not been finally adjudged by a court to have violated 50176
any municipal, state, or federal civil rights laws relevant to the 50177
protection of purchasers or sellers of real estate or, if ~~he~~ the 50178
applicant has been so adjudged, at least two years have passed 50179
since the court decision and the superintendent has disregarded 50180
the adjudication because the applicant has proven, by a 50181
preponderance of the evidence, that ~~his~~ the applicant's activities 50182
and employment record since the adjudication show that ~~he~~ the 50183
applicant is honest, truthful, and of good reputation, and there 50184
is no basis in fact for believing that ~~he~~ the applicant will again 50185
violate the laws; 50186

(3) Has not, during any period for which ~~he~~ the applicant was 50187
licensed under this chapter or any former section of the Revised 50188
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 50189
or ~~salesmen~~ salespersons, violated any provision of, or any rule 50190
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 50191

applicant has violated any such provision or rule, has established 50192
to the satisfaction of the superintendent that ~~he~~ the applicant 50193
will not again violate the provision or rule. 50194

(D) Every ~~salesman~~ salesperson of foreign real estate shall 50195
be licensed by the superintendent of real estate and shall be 50196
employed only by the licensed foreign real estate dealer specified 50197
on ~~his~~ the salesperson's license. 50198

(E) If the superintendent finds that the applicant is of good 50199
business repute, appears to be qualified to act as a foreign real 50200
estate ~~salesman~~ salesperson, and has fully complied with the 50201
provisions of this chapter, and that the dealer in the application 50202
is a licensed foreign real estate dealer, the superintendent, upon 50203
payment of the fees prescribed by section 4735.15 of the Revised 50204
Code, shall issue a license to the applicant authorizing ~~him~~ the 50205
applicant to act as ~~salesman~~ a salesperson for the dealer named in 50206
the application. 50207

Sec. 4737.045. (A) To register as a scrap metal dealer or a 50208
bulk merchandise container dealer with the director of public 50209
safety as required by division (B) of section 4737.04 of the 50210
Revised Code, a person shall do all of the following: 50211

(1) Provide the name and street address of the dealer's place 50212
of business; 50213

(2) Provide the name of the primary owner of the business, 50214
and of the manager of the business, if the manager is not the 50215
primary owner; 50216

(3) Provide the electronic mail address of the business; 50217

(4) Provide confirmation that the dealer has the capabilities 50218
to electronically connect with the department of public safety for 50219
the purpose of sending and receiving information; 50220

(5) Provide any other information required by the director in 50221

rules the director adopts pursuant to sections 4737.01 to 4737.045 50222
of the Revised Code; 50223

(6) Pay an initial registration fee of two hundred dollars. 50224

(B) A person engaging in the business of a scrap metal dealer 50225
or a bulk merchandise container dealer in this state on or before 50226
September 28, 2012, shall register with the director not later 50227
than January 1, 2013. With respect to a person who commences 50228
engaging in the business of a scrap metal dealer or a bulk 50229
merchandise container dealer after September 28, 2012, the person 50230
shall register with the director pursuant to this section prior to 50231
commencing business as a scrap metal dealer or a bulk merchandise 50232
container dealer. 50233

(C) A registration issued to a scrap metal dealer or a bulk 50234
merchandise container dealer pursuant to this section is valid for 50235
a period of one year. A dealer shall renew the registration in 50236
accordance with the rules adopted by the director and pay a 50237
renewal fee of one hundred fifty dollars to cover the costs of 50238
operating and maintaining the registry created pursuant to 50239
division (E) of this section. 50240

(D) A scrap metal dealer or a bulk merchandise container 50241
dealer registered under this section shall prominently display a 50242
copy of the annual registration certificate received from the 50243
director pursuant to division (E)(2) of this section. 50244

(E) The director shall do all of the following: 50245

(1) Develop and implement, by January 1, 2014, and maintain 50246
as a registry a secure database for use by law enforcement 50247
agencies that is capable of all of the following: 50248

(a) Receiving and securely storing all of the information 50249
required by division (A) of this section and the daily transaction 50250
data that scrap metal dealers and bulk merchandise dealers are 50251
required to send pursuant to division (E)(1) of section 4737.04 of 50252

the Revised Code;	50253
(b) Providing secure search capabilities to law enforcement agencies for enforcement purposes;	50254 50255
(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;	50256 50257 50258 50259
(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;	50260 50261 50262 50263
(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.	50264 50265
(2) Issue, reissue, or deny registration to dealers;	50266
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.	50267 50268 50269 50270 50271 50272 50273 50274 50275
(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.	50276 50277 50278 50279
(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under	50280 50281 50282

this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.

(B) The board shall adopt rules that do all of the following:

~~(A)~~(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

~~(B)~~(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

~~(C)~~(3) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;

~~(D)~~(4) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

~~(E)~~(5) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;

~~(F)~~(6) Establish the amount and content of corrective action courses required by the board under section ~~4755.36~~ 4757.36 of the Revised Code;

~~(G)~~(7) Provide for voluntary registration of all of the following:

(1)(a) Master's level counselor trainees enrolled in practice and internships;	50312 50313
(2)(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	50314 50315
(3)(c) Master's level marriage and family therapist trainees enrolled in practice and internships.	50316 50317
<u>(8) Establish a schedule of deadlines for renewal.</u>	50318
<u>(C)</u> Rules adopted under division (C) <u>(B)(7)</u> of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.	50319 50320 50321 50322
<u>(D)</u> All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.	50323 50324 50325 50326 50327 50328 50329
Sec. 4757.13. (A) Each individual who engages in the practice of professional counseling, social work, or marriage and family therapy shall prominently display, in a conspicuous place in the office or place where a major portion of the individual's practice is conducted, and in such a manner as to be easily seen and read, the license granted to the individual by the state counselor, social worker, and marriage and family therapist board.	50330 50331 50332 50333 50334 50335 50336
(B) <u>A person holding a license holder issued under this chapter who is engaged in a private individual practice, partnership, or group practice shall prominently display the license holder's fee schedule in the office or place where a major portion of the license holder's practice is conducted. The bottom</u>	50337 50338 50339 50340 50341

of the first page of the fee schedule shall include the following 50342
statement, which shall be followed by the name, address, and 50343
telephone number of the board: 50344

"This information is required by the Counselor, Social 50345
Worker, and Marriage and Family Therapist Board, which regulates 50346
the practices of professional counseling, social work, and 50347
marriage and family therapy in this state." 50348

Sec. 4757.18. The counselor, social worker, and marriage and 50349
family therapist board may enter into a reciprocal agreement with 50350
any state that regulates individuals practicing in the same 50351
capacities as those regulated under this chapter if the board 50352
finds that the state has requirements substantially equivalent to 50353
the requirements this state has for receipt of a license or 50354
certificate of registration under this chapter. In a reciprocal 50355
agreement, the board agrees to issue the appropriate license or 50356
certificate of registration to any resident of the other state 50357
whose practice is currently authorized by that state if that 50358
state's regulatory body agrees to authorize the appropriate 50359
practice of any resident of this state who holds a valid license 50360
or certificate of registration issued under this chapter. 50361

The Subject to section 4757.25 of the Revised Code, the 50362
professional standards committees of the board may, by 50363
endorsement, issue the appropriate license or certificate of 50364
registration to a resident of a state with which the board does 50365
not have a reciprocal agreement, if the person submits proof 50366
satisfactory to the committee of currently being licensed, 50367
certified, registered, or otherwise authorized to practice by that 50368
state. 50369

Sec. 4757.22. (A) The counselors professional standards 50370
committee of the counselor, social worker, and marriage and family 50371

therapist board shall issue a license to practice as a licensed 50372
professional clinical counselor to each applicant who submits a 50373
properly completed application, pays the fee established under 50374
section 4757.31 of the Revised Code, and meets the requirements 50375
specified in division (B) of this section. 50376

(B)(1) To be eligible for a licensed professional clinical 50377
counselor license, an individual must meet the following 50378
requirements: 50379

(a) The individual must be of good moral character. 50380

(b) The individual must hold a graduate degree in counseling 50381
as described in division (B)(2) of this section. 50382

(c) The individual must complete a minimum of ninety quarter 50383
hours or sixty semester hours of graduate credit in counselor 50384
training acceptable to the committee, including instruction in the 50385
following areas: 50386

(i) Clinical psychopathology, personality, and abnormal 50387
behavior; 50388

(ii) Evaluation of mental and emotional disorders; 50389

(iii) Diagnosis of mental and emotional disorders; 50390

(iv) Methods of prevention, intervention, and treatment of 50391
mental and emotional disorders. 50392

(d) The individual must complete, in either a private or 50393
clinical counseling setting, supervised experience in counseling 50394
that is of a type approved by the committee, is supervised by a 50395
licensed professional clinical counselor or other qualified 50396
professional approved by the committee, and is in the following 50397
amounts: 50398

(i) In the case of an individual holding only a master's 50399
degree, not less than two years of experience, which must be 50400

completed after the award of the master's degree; 50401

(ii) In the case of an individual holding a doctorate, not 50402
less than one year of experience, which must be completed after 50403
the award of the doctorate. 50404

(e) The individual must pass a field evaluation that meets 50405
the following requirements: 50406

(i) Has been completed by the applicant's instructors, 50407
employers, supervisors, or other persons determined by the 50408
committee to be competent to evaluate an individual's professional 50409
competence; 50410

(ii) Includes documented evidence of the quality, scope, and 50411
nature of the applicant's experience and competence in diagnosing 50412
and treating mental and emotional disorders. 50413

(f) The individual must pass an examination administered by 50414
the board for the purpose of determining ability to practice as a 50415
licensed professional clinical counselor. 50416

(2) To meet the requirement of division (B)(1)(b) of this 50417
section, a graduate degree in counseling obtained from a ~~mental~~ 50418
~~health~~ counseling program in this state after January 1, 2018, 50419
must be from one of the following: 50420

(a) A ~~clinical mental health counseling program, a clinical~~ 50421
~~rehabilitation counseling program, or an addiction~~ counseling 50422
program accredited by the council for accreditation of counseling 50423
and related educational programs; 50424

(b) A counseling education program approved by the board in 50425
accordance with rules adopted by the board under division (G) of 50426
this section. 50427

(3) All of the following meet the educational requirements of 50428
division (B)(1)(c) of this section: 50429

(a) A clinical mental health counseling program accredited by 50430

the council for accreditation of counseling and related educational programs; 50431
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(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs; 50433
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(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs; 50436
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(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section. 50441
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(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following: 50443
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(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development; 50446
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(2) Participation in a supervised practicum and clinical internship in counseling. 50451
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(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor. 50453
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(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission 50458
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to the licensing examination may appeal the denial in accordance 50461
with Chapter 119. of the Revised Code. 50462

(F) The board shall adopt any rules necessary for the 50463
committee to implement this section. The rules shall do both of 50464
the following: 50465

(1) Establish criteria for the committee to use in 50466
determining whether an applicant's training should be accepted and 50467
supervised experience approved; 50468

(2) Establish course content requirements for qualifying 50469
counseling degrees issued by institutions in other states from 50470
clinical mental health counseling programs, clinical 50471
rehabilitation counseling programs, and addiction counseling 50472
programs that are not accredited by the council for accreditation 50473
of counseling and related educational programs. 50474

Rules adopted under this division shall be adopted in 50475
accordance with Chapter 119. of the Revised Code. 50476

(G)(1) The board may adopt rules to temporarily approve a 50477
counseling education program created after January 1, 2018, that 50478
has not been accredited by the council for accreditation of 50479
counseling and related educational programs. If the board adopts 50480
rules under this division, the board shall do all of the following 50481
in the rules: 50482

(a) Create an application process under which a program 50483
administrator may apply to the board for approval of the program; 50484

(b) Identify the educational requirements that an individual 50485
must satisfy to receive a graduate degree in counseling from the 50486
approved program; 50487

(c) Establish a time period during which an individual may 50488
use an unaccredited degree granted under the program to satisfy 50489
the requirements of divisions (B)(1)(b) and (c) of this section; 50490

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.23. (A) The counselors professional standards committee of the counselor, social worker, and marriage and family therapist board shall issue a license as a licensed professional counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements established under division (B) of this section.

(B)(1) To be eligible for a license as a licensed professional counselor, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, which the individual may complete while working toward receiving a graduate degree in counseling, or subsequent to receiving the degree, and which shall include training in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;	50521
(iii) Diagnosis of mental and emotional disorders;	50522
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	50523 50524
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	50525 50526 50527
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following:	50528 50529 50530 50531
(a) A clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs;	50532 50533 50534 50535
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	50536 50537 50538
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	50539 50540
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50541 50542 50543
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50544 50545 50546
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for	50547 50548 50549 50550

accreditation of counseling and related educational programs; 50551

(d) A counseling education program approved by the board in 50552
accordance with rules adopted under division (G) of this section. 50553

(C) To be accepted by the committee for purposes of division 50554
(B) of this section, counselor training must include at least the 50555
following: 50556

(1) Instruction in human growth and development; counseling 50557
theory; counseling techniques; group dynamics, processing, and 50558
counseling; appraisal of individuals; research and evaluation; 50559
professional, legal, and ethical responsibilities; social and 50560
cultural foundations; and lifestyle and career development; 50561

(2) Participation in a supervised practicum and clinical 50562
internship in counseling. 50563

(D) The committee may issue a temporary license to practice 50564
as a licensed professional counselor to an applicant who meets all 50565
of the requirements to be licensed under this section as follows: 50566

(1) Pending the receipt of transcripts or action by the 50567
committee to issue a license as a licensed professional counselor; 50568

(2) For a period not to exceed ninety days, to an applicant 50569
who provides the board with a statement from the applicant's 50570
academic institution indicating that the applicant has met the 50571
academic requirements for the applicant's degree and the projected 50572
date the applicant will receive the applicant's transcript showing 50573
a conferred degree. 50574

On application to the committee, a temporary license issued 50575
under division (D)(2) of this section may be renewed for good 50576
cause shown. 50577

(E) An individual may not sit for the licensing examination 50578
unless the individual meets the educational requirements to be 50579
licensed under this section. An individual who is denied admission 50580

to the licensing examination may appeal the denial in accordance 50581
with Chapter 119. of the Revised Code. 50582

(F) The board shall adopt any rules necessary for the 50583
committee to implement this section. The rules shall do both of 50584
the following: 50585

(1) Establish criteria for the committee to use in 50586
determining whether an applicant's training should be accepted and 50587
supervised experience approved; 50588

(2) Establish course content requirements for qualifying 50589
counseling degrees issued by institutions in other states from 50590
clinical mental health counseling programs, clinical 50591
rehabilitation counseling programs, and addiction counseling 50592
programs that are not accredited by the council for accreditation 50593
of counseling and related educational programs. 50594

Rules adopted under this division shall be adopted in 50595
accordance with Chapter 119. of the Revised Code. 50596

(G)(1) The board may adopt rules to temporarily approve a 50597
counseling education program created after January 1, 2018, that 50598
has not been accredited by the council for accreditation of 50599
counseling and related educational programs. If the board adopts 50600
rules under this division, the board shall do all of the following 50601
in the rules: 50602

(a) Create an application process under which a program 50603
administrator may apply to the board for approval of the program; 50604

(b) Identify the educational requirements that an individual 50605
must satisfy to receive a graduate degree in counseling from the 50606
approved program; 50607

(c) Establish a time period during which an individual may 50608
use an unaccredited degree granted under the program to satisfy 50609
the requirements of divisions (B)(1)(b) and (c) of this section; 50610

(d) Specify that, if the program is denied accreditation, a student enrolled in the program before the accreditation is denied may apply for licensure before completing the program and, on receiving a degree from the program, is considered to satisfy divisions (B)(1)(b) and (c) of this section.

(2) A degree from a counseling education program approved by the board pursuant to the rules adopted under division (G)(1) of this section satisfies the requirements of divisions (B)(1)(b) and (c) of this section for the time period approved by the board.

Sec. 4757.25. (A) Notwithstanding any provision in sections 4757.22 and 4757.23 of the Revised Code to the contrary, the counselors professional standards committee of the counselor, social worker, and marriage and family therapist board may, by endorsement, issue a license to practice as a licensed professional clinical counselor or a licensed professional counselor to a person who is authorized to practice in another state even though the person does not hold a graduate degree in counseling if the person meets all of the following requirements:

(1) The person has a graduate degree in a field of study that demonstrates an education in the diagnosis and treatment of mental and emotional disorders.

(2) The person has continuously engaged in the practice of professional counseling in the other state for a period of five years or more immediately preceding the date the application is submitted.

(3) The person's scope of practice in the other state is comparable to the scope of practice associated with the license the person is requesting.

(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing

at the time the person submits the application. 50641

(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 50642
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 50646
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs. 50650
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(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee. 50656
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Sec. 4757.32. A license or certificate of registration issued under this chapter ~~expires two years after it is issued and is~~ valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. 50661
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Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A license or certificate of registration may be renewed in accordance with the standard renewal procedure established under 50666
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Chapter 4745. of the Revised Code. 50672

Subject to section 4757.36 of the Revised Code, the staff of 50673
the appropriate professional standards committee of the ~~counselor,~~ 50674
~~social worker, and marriage and family therapist~~ board shall, on 50675
behalf of each committee, issue a renewed license or certificate 50676
of registration to each applicant who has paid the renewal fee 50677
established by the board under section 4757.31 of the Revised Code 50678
and satisfied the continuing education requirements established by 50679
the board under section 4757.33 of the Revised Code. 50680

A license or certificate of registration that is not renewed 50681
lapses on its expiration date. A license or certificate of 50682
registration that has lapsed may be restored if the individual, 50683
not later than two years after the license or certificate expired, 50684
applies for restoration of the license or certificate. The staff 50685
of the appropriate professional standards committee shall issue a 50686
restored license or certificate of registration to the applicant 50687
if the applicant pays the renewal fee established under section 50688
4757.31 of the Revised Code and satisfies the continuing education 50689
requirements established under section 4757.33 of the Revised Code 50690
for restoring the license or certificate of registration. The 50691
board and its professional standards committees shall not require 50692
a person to take an examination as a condition of having a lapsed 50693
license or certificate of registration restored. 50694

Sec. 4759.05. (A) The state medical board shall adopt, amend, 50695
or rescind rules pursuant to Chapter 119. of the Revised Code to 50696
carry out the provisions of this chapter, including rules 50697
governing the following: 50698

(1) Selection and approval of a dietitian licensure 50699
examination offered by the commission on dietetic registration or 50700
any other examination; 50701

- (2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code; 50702
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- (3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration; 50705
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- (4) Requirements for a person holding a limited permit under division (E) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal; 50709
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- (5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who ~~are in their first renewal period~~, have been disabled by illness or accident, or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 50713
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- (6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 50721
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- (7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 50724
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- (8) Formulation of an application form for licensure or license renewal; 50728
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- (9) Procedures for license renewal; 50730
- (10) Requirements for criminal records checks of applicants 50731

under section 4776.03 of the Revised Code. 50732

(B)(1) The board shall investigate evidence that appears to 50733
show that a person has violated any provision of this chapter or 50734
any rule adopted under it. Any person may report to the board in a 50735
signed writing any information that the person may have that 50736
appears to show a violation of any provision of this chapter or 50737
any rule adopted under it. In the absence of bad faith, any person 50738
who reports information of that nature or who testifies before the 50739
board in any adjudication conducted under Chapter 119. of the 50740
Revised Code shall not be liable in damages in a civil action as a 50741
result of the report or testimony. Each complaint or allegation of 50742
a violation received by the board shall be assigned a case number 50743
and shall be recorded by the board. 50744

(2) Investigations of alleged violations of this chapter or 50745
any rule adopted under it shall be supervised by the supervising 50746
member elected by the board in accordance with section 4731.02 of 50747
the Revised Code and by the secretary as provided in section 50748
4759.012 of the Revised Code. The president may designate another 50749
member of the board to supervise the investigation in place of the 50750
supervising member. No member of the board who supervises the 50751
investigation of a case shall participate in further adjudication 50752
of the case. 50753

(3) In investigating a possible violation of this chapter or 50754
any rule adopted under this chapter, the board may issue 50755
subpoenas, question witnesses, conduct interviews, administer 50756
oaths, order the taking of depositions, inspect and copy any 50757
books, accounts, papers, records, or documents, and compel the 50758
attendance of witnesses and the production of books, accounts, 50759
papers, records, documents, and testimony, except that a subpoena 50760
for patient record information shall not be issued without 50761
consultation with the attorney general's office and approval of 50762
the secretary and supervising member of the board. 50763

Before issuance of a subpoena for patient record information, 50764
the secretary and supervising member shall determine whether there 50765
is probable cause to believe that the complaint filed alleges a 50766
violation of this chapter or any rule adopted under it and that 50767
the records sought are relevant to the alleged violation and 50768
material to the investigation. The subpoena may apply only to 50769
records that cover a reasonable period of time surrounding the 50770
alleged violation. 50771

On failure to comply with any subpoena issued by the board 50772
and after reasonable notice to the person being subpoenaed, the 50773
board may move for an order compelling the production of persons 50774
or records pursuant to the Rules of Civil Procedure. 50775

A subpoena issued by the board may be served by a sheriff, 50776
the sheriff's deputy, or a board employee or agent designated by 50777
the board. Service of a subpoena issued by the board may be made 50778
by delivering a copy of the subpoena to the person named therein, 50779
reading it to the person, or leaving it at the person's usual 50780
place of residence, usual place of business, or address on file 50781
with the board. When serving a subpoena to an applicant for or the 50782
holder of a license or limited permit issued under this chapter, 50783
service of the subpoena may be made by certified mail, return 50784
receipt requested, and the subpoena shall be deemed served on the 50785
date delivery is made or the date the person refuses to accept 50786
delivery. If the person being served refuses to accept the 50787
subpoena or is not located, service may be made to an attorney who 50788
notifies the board that the attorney is representing the person. 50789

A sheriff's deputy who serves a subpoena shall receive the 50790
same fees as a sheriff. Each witness who appears before the board 50791
in obedience to a subpoena shall receive the fees and mileage 50792
provided for under section 119.094 of the Revised Code. 50793

(4) All hearings, investigations, and inspections of the 50794
board shall be considered civil actions for the purposes of 50795

section 2305.252 of the Revised Code. 50796

(5) A report required to be submitted to the board under this 50797
chapter, a complaint, or information received by the board 50798
pursuant to an investigation is confidential and not subject to 50799
discovery in any civil action. 50800

The board shall conduct all investigations or inspections and 50801
proceedings in a manner that protects the confidentiality of 50802
patients and persons who file complaints with the board. The board 50803
shall not make public the names or any other identifying 50804
information about patients or complainants unless proper consent 50805
is given. 50806

The board may share any information it receives pursuant to 50807
an investigation or inspection, including patient records and 50808
patient record information, with law enforcement agencies, other 50809
licensing boards, and other governmental agencies that are 50810
prosecuting, adjudicating, or investigating alleged violations of 50811
statutes or administrative rules. An agency or board that receives 50812
the information shall comply with the same requirements regarding 50813
confidentiality as those with which the state medical board must 50814
comply, notwithstanding any conflicting provision of the Revised 50815
Code or procedure of the agency or board that applies when it is 50816
dealing with other information in its possession. In a judicial 50817
proceeding, the information may be admitted into evidence only in 50818
accordance with the Rules of Evidence, but the court shall require 50819
that appropriate measures are taken to ensure that confidentiality 50820
is maintained with respect to any part of the information that 50821
contains names or other identifying information about patients or 50822
complainants whose confidentiality was protected by the state 50823
medical board when the information was in the board's possession. 50824
Measures to ensure confidentiality that may be taken by the court 50825
include sealing its records or deleting specific information from 50826
its records. 50827

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(C) The board shall keep records as are necessary to carry out the provisions of this chapter.

(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.

Sec. 4759.06. (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:

(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;

(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;

(3) Is of good moral character;

(4) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics;

(5) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A)(3) of section 4759.05 of the Revised Code;

(6) Has passed the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code.

(B) The board shall waive the requirements of divisions (A)(4), (5), and (6) of this section and any rules adopted under division (A)(6) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C)(1) The board shall issue a license to practice dietetics to an applicant who meets the requirements of division (A) of this section. ~~A license issued before July 1, 2018, shall expire on June 30, 2018. A license issued on or after July 1, 2018, shall be~~ valid for a two-year period unless revoked or suspended by the board and shall expire on the thirtieth day of June of the next even-numbered year date that is two years after the date of issuance. A license may be renewed for additional two-year periods.

(2) The board shall renew an applicant's license if the applicant ~~meets the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code and~~ has paid the license renewal fee specified in section 4759.08 of

the Revised Code and certifies to the board that the applicant has 50888
met the continuing education requirements adopted under division 50889
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 50890
be pursuant to the standard renewal procedure of sections 4745.01 50891
to 4745.03 of the Revised Code. 50892

At least one month before a license expires, the board shall 50893
provide a renewal notice. Failure of any person to receive a 50894
notice of renewal from the board shall not excuse the person from 50895
the requirements contained in this section. Each person holding a 50896
license shall give notice to the board of a change in the license 50897
holder's residence address, business address, or electronic mail 50898
address not later than thirty days after the change occurs. 50899

(D) Any person licensed to practice dietetics by the former 50900
Ohio board of dietetics before January 21, 2018, may continue to 50901
practice dietetics in this state under that license if the person 50902
continues to meet the requirements to renew a license under this 50903
chapter and renews the license through the state medical board. 50904

The state medical board may take any of the following 50905
actions, as provided in section 4759.07 of the Revised Code, 50906
against the holder of a license to practice dietetics issued 50907
before January 21, 2018, by the former Ohio board of dietetics: 50908

- (1) Limit, revoke, or suspend the holder's license; 50909
- (2) Refuse to renew or reinstate the holder's license; 50910
- (3) Reprimand the holder or place the holder on probation. 50911

(E)(1) The board may grant a limited permit to a person who 50912
has completed the education and pre-professional requirements of 50913
divisions (A)(4) and (5) of this section and who presents evidence 50914
to the board of having applied to take the examination approved by 50915
the board under division (A)(1) of section 4759.05 of the Revised 50916
Code. An application for a limited permit shall be made on forms 50917
that the board shall furnish and shall be accompanied by the 50918

limited permit fee specified in section 4759.08 of the Revised Code. 50919
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (E)(1) of this section, the board shall issue a limited permit to the applicant. 50921
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A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules. 50925
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~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~ 50928
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~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian. 50930
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~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code. 50933
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Sec. 4759.062. (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code. 50939
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(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars. 50944
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(C)~~(1)~~ If a license has been suspended pursuant to division 50949
(A) of this section for more than two years, it may be restored. 50950
~~The Subject to section 4759.063 of the Revised Code, the~~ board may 50951
restore the license upon an applicant's submission of a complete 50952
restoration application and a restoration fee of two hundred 50953
thirty dollars and compliance with sections 4776.01 to 4776.04 of 50954
the Revised Code. The board shall not restore a license unless the 50955
board, in its discretion, decides that the results of the criminal 50956
records check do not make the applicant ineligible for a license 50957
issued pursuant to section 4759.06 of the Revised Code. 50958

~~(2) The board may impose terms and conditions for the~~ 50959
~~restoration, including any one or more of the following:~~ 50960

~~(a) Requiring the applicant to pass an oral or written~~ 50961
~~examination, or both, to determine the applicant's present fitness~~ 50962
~~to resume practice;~~ 50963

~~(b) Requiring the applicant to obtain additional training and~~ 50964
~~to pass an examination upon completion of such training;~~ 50965

~~(c) Restricting or limiting the extent, scope, or type of~~ 50966
~~practice of the applicant.~~ 50967

Sec. 4759.063. (A) This section applies to both of the 50968
following: 50969

(1) An applicant seeking restoration of a license issued 50970
under this chapter that has been in a suspended or inactive state 50971
for any cause for more than two years; 50972

(2) An applicant seeking issuance of a license pursuant to 50973
this chapter who for more than two years has not been engaged in 50974
the practice of dietetics as any of the following: 50975

(a) An active practitioner; 50976

(b) A participant in a pre-professional dietetic experience 50977
as described in section 4759.06 of the Revised Code; 50978

(c) A student in a program described in section 4759.06 of the Revised Code. 50979
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(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 50981
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 50985
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 50988
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 50990
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 50995
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 50997
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51001
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51003
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Sec. 4760.02. (A) Except as provided in division (B) of this 51008

section, no person shall practice as an anesthesiologist assistant 51009
unless the person holds a current, valid ~~certificate~~ license 51010
issued under this chapter to practice as an anesthesiologist 51011
assistant. 51012

(B) Division (A) of this section does not apply to either of 51013
the following: 51014

(1) A person participating in a training program leading 51015
toward certification by the national commission for certification 51016
of anesthesiologist assistants, as long as the person is 51017
supervised by an anesthesiologist, an individual participating in 51018
a hospital residency program in preparation to practice as an 51019
anesthesiologist, or an anesthesiologist assistant who holds a 51020
current, valid ~~certificate to practice~~ license issued under this 51021
chapter; 51022

(2) Any person who otherwise holds professional authority 51023
granted pursuant to the Revised Code to perform any of the 51024
activities that an anesthesiologist assistant is authorized to 51025
perform. 51026

Sec. 4760.03. (A) An individual seeking a ~~certificate~~ license 51027
to practice as an anesthesiologist assistant shall file with the 51028
state medical board a written application on a form prescribed and 51029
supplied by the board. The application shall include all of the 51030
following information: 51031

(1) Evidence satisfactory to the board that the applicant is 51032
at least twenty-one years of age and of good moral character; 51033

(2) Evidence satisfactory to the board that the applicant has 51034
successfully completed the training necessary to prepare 51035
individuals to practice as anesthesiologist assistants, as 51036
specified in section 4760.031 of the Revised Code; 51037

(3) Evidence satisfactory to the board that the applicant 51038

holds current certification from the national commission for 51039
certification of anesthesiologist assistants and that the 51040
requirements for receiving the certification included passage of 51041
an examination to determine the individual's competence to 51042
practice as an anesthesiologist assistant; 51043

(4) Any other information the board considers necessary to 51044
process the application and evaluate the applicant's 51045
qualifications. 51046

(B) At the time of making application for a ~~certificate to~~ 51047
~~practice~~ license, the applicant shall pay the board a fee of one 51048
hundred dollars, no part of which shall be returned. 51049

(C) The board shall review all applications received under 51050
this section. Not later than sixty days after receiving a complete 51051
application, the board shall determine whether an applicant meets 51052
the requirements to receive a ~~certificate to practice~~ license. ~~The~~ 51053
~~affirmative vote of not fewer than six members of the board is~~ 51054
~~required to determine that an applicant meets the requirements for~~ 51055
~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 51056
an applicant unless the applicant is certified by the national 51057
commission for certification of anesthesiologist assistants or a 51058
successor organization that is recognized by the board. 51059

Sec. 4760.031. As a condition of being eligible to receive a 51060
~~certificate~~ license to practice as an anesthesiologist assistant, 51061
an individual must successfully complete the following training 51062
requirements: 51063

(A) A baccalaureate or higher degree program at an 51064
institution of higher education accredited by an organization 51065
recognized by the ~~board of regents~~ department of higher education. 51066
The program must have included courses in the following areas of 51067
study: 51068

(1) General biology;	51069
(2) General chemistry;	51070
(3) Organic chemistry;	51071
(4) Physics;	51072
(5) Calculus.	51073
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	51074 51075 51076 51077 51078 51079 51080 51081 51082 51083
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	51084 51085 51086 51087 51088
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	51089 51090 51091 51092
(3) Physics in anesthesia.	51093
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	51094 51095 51096 51097
(5) Patient instrumentation and monitoring, presented as a	51098

continuum of courses focusing on the design of, proper preparation 51099
of, and proper methods of resolving problems that arise with 51100
anesthesia equipment. The courses must provide a balance between 51101
the engineering concepts used in anesthesia instruments and the 51102
clinical application of anesthesia instruments. 51103

(6) Clinically based conferences in which techniques of 51104
anesthetic management, quality assurance issues, and current 51105
professional literature are reviewed from the perspective of 51106
practice improvement. 51107

(7) Clinical experience consisting of at least two thousand 51108
hours of direct patient contact, presented as a continuum of 51109
courses throughout the entirety of the program, beginning with a 51110
gradual introduction of the techniques for the anesthetic 51111
management of patients and culminating in the assimilation of the 51112
graduate of the program into the work force. Areas of instruction 51113
must include the following: 51114

(a) Preoperative patient assessment; 51115

(b) Indwelling vascular catheter placement, including 51116
intravenous and arterial catheters; 51117

(c) Airway management, including mask airway and orotracheal 51118
intubation; 51119

(d) Intraoperative charting; 51120

(e) Administration and maintenance of anesthetic agents, 51121
narcotics, hypnotics, and muscle relaxants; 51122

(f) Administration and maintenance of volatile anesthetics; 51123

(g) Administration of blood products and fluid therapy; 51124

(h) Patient monitoring; 51125

(i) Postoperative management of patients; 51126

(j) Regional anesthesia techniques; 51127

(k) Administration of vasoactive substances for treatment of 51128
unacceptable patient hemodynamic status; 51129

(l) Specific clinical training in all the subspecialties of 51130
anesthesia, including pediatrics, neurosurgery, cardiovascular 51131
surgery, trauma, obstetrics, orthopedics, and vascular surgery. 51132

(8) Basic life support that qualifies the individual to 51133
administer cardiopulmonary resuscitation to patients in need. The 51134
course must include the instruction necessary to be certified in 51135
basic life support by the American red cross or the American heart 51136
association. 51137

(9) Advanced cardiac life support that qualifies the 51138
individual to participate in the pharmacologic intervention and 51139
management resuscitation efforts for a patient in full cardiac 51140
arrest. The course must include the instruction necessary to be 51141
certified in advanced cardiac life support by the American red 51142
cross or the American heart association. 51143

Sec. 4760.032. In addition to any other eligibility 51144
requirement set forth in this chapter, each applicant for a 51145
~~certificate~~ license to practice as an anesthesiologist assistant 51146
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 51147
The state medical board shall not grant to an applicant a 51148
~~certificate~~ license to practice as an anesthesiologist assistant 51149
unless the board, in its discretion, decides that the results of 51150
the criminal records check do not make the applicant ineligible 51151
for a ~~certificate~~ license issued pursuant to section 4760.04 of 51152
the Revised Code. 51153

Sec. 4760.04. If the state medical board determines under 51154
section 4760.03 of the Revised Code that an applicant meets the 51155
requirements for a ~~certificate~~ license to practice as an 51156
anesthesiologist assistant, the secretary of the board shall 51157

register the applicant as an anesthesiologist assistant and issue 51158
to the applicant a ~~certificate~~ license to practice as an 51159
anesthesiologist assistant. The ~~certificate~~ license shall be valid 51160
for a two-year period unless revoked or suspended, shall expire 51161
biennially on the date that is two years after the date of 51162
issuance, and may be renewed for additional two-year periods in 51163
accordance with section 4760.06 of the Revised Code. 51164

Sec. 4760.05. On application by the holder of a ~~certificate~~ 51165
license to practice as an anesthesiologist assistant, the state 51166
medical board shall issue a duplicate ~~certificate~~ license to 51167
replace one that is missing or damaged, to reflect a name change, 51168
or for any other reasonable cause. The fee for a duplicate 51169
~~certificate~~ license is thirty-five dollars. 51170

Sec. 4760.06. (A) A person seeking to renew a ~~certificate~~ 51171
license to practice as an anesthesiologist assistant shall, on or 51172
before the ~~thirty first day of January of each even numbered year~~ 51173
license's expiration date, apply to the state medical board for 51174
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 51175
provide renewal notices to license holders at least one month 51176
prior to the expiration date. 51177

Applications shall be submitted to the board in a manner 51178
prescribed by the board. Each application shall be accompanied by 51179
a biennial renewal fee of one hundred dollars. 51180

The applicant shall report any criminal offense that 51181
constitutes grounds for refusing to issue a ~~certificate~~ license to 51182
practice under section 4760.13 of the Revised Code to which the 51183
applicant has pleaded guilty, of which the applicant has been 51184
found guilty, or for which the applicant has been found eligible 51185
for intervention in lieu of conviction, since last signing an 51186
application for a ~~certificate~~ license to practice as an 51187

anesthesiologist assistant. 51188

(B) To be eligible for renewal, an anesthesiologist assistant 51189
must certify to the board that the assistant has maintained 51190
certification by the national commission for the certification of 51191
anesthesiologist assistants. 51192

(C) If an applicant submits a complete renewal application 51193
and qualifies for renewal pursuant to division (B) of this 51194
section, the board shall renew the ~~certificate~~ license to practice 51195
as an anesthesiologist assistant. 51196

(D) A ~~certificate~~ license to practice that is not renewed on 51197
or before its expiration date is automatically suspended on its 51198
expiration date. ~~If~~ 51199

If a ~~certificate~~ license has been suspended pursuant to this 51200
division for two years or less, the board shall reinstate the 51201
~~certificate~~ license upon an applicant's submission of a renewal 51202
application, the biennial renewal fee, and the applicable monetary 51203
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 51204

If a ~~certificate~~ license has been suspended pursuant to this 51205
division for more than two years, it may be restored. Subject to 51206
section 4760.061 of the Revised Code, the board may restore the 51207
license upon an applicant's submission of a restoration 51208
application, the biennial renewal fee, and the applicable monetary 51209
penalty and compliance with sections 4776.01 to 4776.04 of the 51210
Revised Code. The board shall not restore a ~~certificate to~~ 51211
~~practice~~ license unless the board, in its discretion, decides that 51212
the results of the criminal records check do not make the 51213
applicant ineligible for a certificate issued pursuant to section 51214
4760.04 of the Revised Code. The penalty for restoration is fifty 51215
dollars. 51216

Sec. 4760.061. (A) This section applies to both of the 51217

<u>following:</u>	51218
<u>(1) An applicant seeking restoration of a license issued</u>	51219
<u>under this chapter that has been in a suspended or inactive state</u>	51220
<u>for any cause for more than two years;</u>	51221
<u>(2) An applicant seeking issuance of a license pursuant to</u>	51222
<u>this chapter who for more than two years has not been practicing</u>	51223
<u>as an anesthesiologist assistant as either of the following:</u>	51224
<u>(a) An active practitioner;</u>	51225
<u>(b) A participant in a training program as described in</u>	51226
<u>section 4760.031 of the Revised Code.</u>	51227
<u>(B) Before issuing a license to an applicant subject to this</u>	51228
<u>section or restoring a license to good standing for an applicant</u>	51229
<u>subject to this section, the state medical board may impose terms</u>	51230
<u>and conditions including any one or more of the following:</u>	51231
<u>(1) Requiring the applicant to pass an oral or written</u>	51232
<u>examination, or both, to determine the applicant's present fitness</u>	51233
<u>to resume practice;</u>	51234
<u>(2) Requiring the applicant to obtain additional training and</u>	51235
<u>to pass an examination upon completion of such training;</u>	51236
<u>(3) Requiring an assessment of the applicant's physical</u>	51237
<u>skills for purposes of determining whether the applicant's</u>	51238
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	51239
<u>performing evaluations and procedures in a manner that meets the</u>	51240
<u>minimal standards of care;</u>	51241
<u>(4) Requiring an assessment of the applicant's skills in</u>	51242
<u>recognizing and understanding diseases and conditions;</u>	51243
<u>(5) Requiring the applicant to undergo a comprehensive</u>	51244
<u>physical examination, which may include an assessment of physical</u>	51245
<u>abilities, evaluation of sensory capabilities, or screening for</u>	51246

the presence of neurological disorders; 51247

(6) Restricting or limiting the extent, scope, or type of 51248
practice of the applicant. 51249

The board shall consider the moral background and the 51250
activities of the applicant during the period of suspension or 51251
inactivity. The board shall not issue or restore a license under 51252
this section unless the applicant complies with sections 4776.01 51253
to 4776.04 of the Revised Code. 51254

Sec. 4760.13. (A) The state medical board, by an affirmative 51255
vote of not fewer than six members, may revoke or may refuse to 51256
grant a ~~certificate~~ license to practice as an anesthesiologist 51257
assistant to a person found by the board to have committed fraud, 51258
misrepresentation, or deception in applying for or securing the 51259
~~certificate~~ license. 51260

(B) The board, by an affirmative vote of not fewer than six 51261
members, shall, to the extent permitted by law, limit, revoke, or 51262
suspend an individual's ~~certificate~~ license to practice as an 51263
anesthesiologist assistant, refuse to issue a ~~certificate~~ license 51264
to an applicant, refuse to renew a ~~certificate~~ license, refuse to 51265
reinstate a ~~certificate~~ license, or reprimand or place on 51266
probation the holder of a ~~certificate~~ license for any of the 51267
following reasons: 51268

(1) Permitting the holder's name or ~~certificate~~ license to be 51269
used by another person; 51270

(2) Failure to comply with the requirements of this chapter, 51271
Chapter 4731. of the Revised Code, or any rules adopted by the 51272
board; 51273

(3) Violating or attempting to violate, directly or 51274
indirectly, or assisting in or abetting the violation of, or 51275
conspiring to violate, any provision of this chapter, Chapter 51276

4731. of the Revised Code, or the rules adopted by the board;	51277
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	51278 51279 51280 51281
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	51282 51283 51284 51285
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	51286 51287 51288 51289
(7) Willfully betraying a professional confidence;	51290
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a <u>certificate license</u> to practice as an anesthesiologist assistant.	51291 51292 51293
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	51294 51295 51296 51297 51298 51299 51300 51301
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	51302 51303 51304
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	51305 51306

conviction for, a felony;	51307
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	51308 51309 51310
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	51311 51312 51313
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	51314 51315 51316
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51317 51318 51319
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51320 51321 51322
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	51323 51324 51325 51326 51327
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	51328 51329 51330 51331 51332 51333 51334 51335
(18) Violation of the conditions placed by the board on a	51336

~~certificate~~ license to practice; 51337

(19) Failure to use universal blood and body fluid 51338
precautions established by rules adopted under section 4731.051 of 51339
the Revised Code; 51340

(20) Failure to cooperate in an investigation conducted by 51341
the board under section 4760.14 of the Revised Code, including 51342
failure to comply with a subpoena or order issued by the board or 51343
failure to answer truthfully a question presented by the board at 51344
a deposition or in written interrogatories, except that failure to 51345
cooperate with an investigation shall not constitute grounds for 51346
discipline under this section if a court of competent jurisdiction 51347
has issued an order that either quashes a subpoena or permits the 51348
individual to withhold the testimony or evidence in issue; 51349

(21) Failure to comply with any code of ethics established by 51350
the national commission for the certification of anesthesiologist 51351
assistants; 51352

(22) Failure to notify the state medical board of the 51353
revocation or failure to maintain certification from the national 51354
commission for certification of anesthesiologist assistants. 51355

(C) Disciplinary actions taken by the board under divisions 51356
(A) and (B) of this section shall be taken pursuant to an 51357
adjudication under Chapter 119. of the Revised Code, except that 51358
in lieu of an adjudication, the board may enter into a consent 51359
agreement with an anesthesiologist assistant or applicant to 51360
resolve an allegation of a violation of this chapter or any rule 51361
adopted under it. A consent agreement, when ratified by an 51362
affirmative vote of not fewer than six members of the board, shall 51363
constitute the findings and order of the board with respect to the 51364
matter addressed in the agreement. If the board refuses to ratify 51365
a consent agreement, the admissions and findings contained in the 51366
consent agreement shall be of no force or effect. 51367

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or ~~certificate~~ license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the ~~certificate~~ license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a ~~certificate~~ license to practice issued under this chapter, or applies for a ~~certificate~~ license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a ~~certificate~~ license to practice issued under this chapter or who has applied for a ~~certificate~~ license to practice

pursuant to this chapter to submit to a mental or physical 51400
examination, or both. A physical examination may include an HIV 51401
test. The expense of the examination is the responsibility of the 51402
individual compelled to be examined. Failure to submit to a mental 51403
or physical examination or consent to an HIV test ordered by the 51404
board constitutes an admission of the allegations against the 51405
individual unless the failure is due to circumstances beyond the 51406
individual's control, and a default and final order may be entered 51407
without the taking of testimony or presentation of evidence. If 51408
the board finds an anesthesiologist assistant unable to practice 51409
because of the reasons set forth in division (B)(5) of this 51410
section, the board shall require the anesthesiologist assistant to 51411
submit to care, counseling, or treatment by physicians approved or 51412
designated by the board, as a condition for an initial, continued, 51413
reinstated, or renewed ~~certificate~~ license to practice. An 51414
individual affected by this division shall be afforded an 51415
opportunity to demonstrate to the board the ability to resume 51416
practicing in compliance with acceptable and prevailing standards 51417
of care. 51418

(2) For purposes of division (B)(6) of this section, if the 51419
board has reason to believe that any individual who holds a 51420
~~certificate~~ license to practice issued under this chapter or any 51421
applicant for a ~~certificate~~ license to practice suffers such 51422
impairment, the board may compel the individual to submit to a 51423
mental or physical examination, or both. The expense of the 51424
examination is the responsibility of the individual compelled to 51425
be examined. Any mental or physical examination required under 51426
this division shall be undertaken by a treatment provider or 51427
physician qualified to conduct such examination and chosen by the 51428
board. 51429

Failure to submit to a mental or physical examination ordered 51430
by the board constitutes an admission of the allegations against 51431

the individual unless the failure is due to circumstances beyond 51432
the individual's control, and a default and final order may be 51433
entered without the taking of testimony or presentation of 51434
evidence. If the board determines that the individual's ability to 51435
practice is impaired, the board shall suspend the individual's 51436
~~certificate~~ license or deny the individual's application and shall 51437
require the individual, as a condition for an initial, continued, 51438
reinstated, or renewed ~~certificate~~ license to practice, to submit 51439
to treatment. 51440

Before being eligible to apply for reinstatement of a 51441
~~certificate~~ license suspended under this division, the 51442
anesthesiologist assistant shall demonstrate to the board the 51443
ability to resume practice in compliance with acceptable and 51444
prevailing standards of care. The demonstration shall include the 51445
following: 51446

(a) Certification from a treatment provider approved under 51447
section 4731.25 of the Revised Code that the individual has 51448
successfully completed any required inpatient treatment; 51449

(b) Evidence of continuing full compliance with an aftercare 51450
contract or consent agreement; 51451

(c) Two written reports indicating that the individual's 51452
ability to practice has been assessed and that the individual has 51453
been found capable of practicing according to acceptable and 51454
prevailing standards of care. The reports shall be made by 51455
individuals or providers approved by the board for making such 51456
assessments and shall describe the basis for their determination. 51457

The board may reinstate a ~~certificate~~ license suspended under 51458
this division after such demonstration and after the individual 51459
has entered into a written consent agreement. 51460

When the impaired anesthesiologist assistant resumes 51461
practice, the board shall require continued monitoring of the 51462

anesthesiologist assistant. The monitoring shall include 51463
monitoring of compliance with the written consent agreement 51464
entered into before reinstatement or with conditions imposed by 51465
board order after a hearing, and, on termination of the consent 51466
agreement, submission to the board for at least two years of 51467
annual written progress reports made under penalty of 51468
falsification stating whether the anesthesiologist assistant has 51469
maintained sobriety. 51470

(G) If the secretary and supervising member determine that 51471
there is clear and convincing evidence that an anesthesiologist 51472
assistant has violated division (B) of this section and that the 51473
individual's continued practice presents a danger of immediate and 51474
serious harm to the public, they may recommend that the board 51475
suspend the individual's ~~certificate~~ license without a prior 51476
hearing. Written allegations shall be prepared for consideration 51477
by the board. 51478

The board, on review of the allegations and by an affirmative 51479
vote of not fewer than six of its members, excluding the secretary 51480
and supervising member, may suspend a ~~certificate~~ license without 51481
a prior hearing. A telephone conference call may be utilized for 51482
reviewing the allegations and taking the vote on the summary 51483
suspension. 51484

The board shall issue a written order of suspension by 51485
certified mail or in person in accordance with section 119.07 of 51486
the Revised Code. The order shall not be subject to suspension by 51487
the court during pendency of any appeal filed under section 119.12 51488
of the Revised Code. If the anesthesiologist assistant requests an 51489
adjudicatory hearing by the board, the date set for the hearing 51490
shall be within fifteen days, but not earlier than seven days, 51491
after the anesthesiologist assistant requests the hearing, unless 51492
otherwise agreed to by both the board and the ~~certificate~~ license 51493
holder. 51494

A summary suspension imposed under this division shall remain 51495
in effect, unless reversed on appeal, until a final adjudicative 51496
order issued by the board pursuant to this section and Chapter 51497
119. of the Revised Code becomes effective. The board shall issue 51498
its final adjudicative order within sixty days after completion of 51499
its hearing. Failure to issue the order within sixty days shall 51500
result in dissolution of the summary suspension order, but shall 51501
not invalidate any subsequent, final adjudicative order. 51502

(H) If the board takes action under division (B)(11), (13), 51503
or (14) of this section, and the judicial finding of guilt, guilty 51504
plea, or judicial finding of eligibility for intervention in lieu 51505
of conviction is overturned on appeal, on exhaustion of the 51506
criminal appeal, a petition for reconsideration of the order may 51507
be filed with the board along with appropriate court documents. On 51508
receipt of a petition and supporting court documents, the board 51509
shall reinstate the ~~certificate~~ license to practice. The board may 51510
then hold an adjudication under Chapter 119. of the Revised Code 51511
to determine whether the individual committed the act in question. 51512
Notice of opportunity for hearing shall be given in accordance 51513
with Chapter 119. of the Revised Code. If the board finds, 51514
pursuant to an adjudication held under this division, that the 51515
individual committed the act, or if no hearing is requested, it 51516
may order any of the sanctions specified in division (B) of this 51517
section. 51518

(I) The ~~certificate~~ license to practice of an 51519
anesthesiologist assistant and the assistant's practice in this 51520
state are automatically suspended as of the date the 51521
anesthesiologist assistant pleads guilty to, is found by a judge 51522
or jury to be guilty of, or is subject to a judicial finding of 51523
eligibility for intervention in lieu of conviction in this state 51524
or treatment of intervention in lieu of conviction in another 51525
jurisdiction for any of the following criminal offenses in this 51526

state or a substantially equivalent criminal offense in another 51527
jurisdiction: aggravated murder, murder, voluntary manslaughter, 51528
felonious assault, kidnapping, rape, sexual battery, gross sexual 51529
imposition, aggravated arson, aggravated robbery, or aggravated 51530
burglary. Continued practice after the suspension shall be 51531
considered practicing without a ~~certificate~~ license. 51532

The board shall notify the individual subject to the 51533
suspension by certified mail or in person in accordance with 51534
section 119.07 of the Revised Code. If an individual whose 51535
~~certificate~~ license is suspended under this division fails to make 51536
a timely request for an adjudication under Chapter 119. of the 51537
Revised Code, the board shall enter a final order permanently 51538
revoking the individual's ~~certificate~~ license to practice. 51539

(J) In any instance in which the board is required by Chapter 51540
119. of the Revised Code to give notice of opportunity for hearing 51541
and the individual subject to the notice does not timely request a 51542
hearing in accordance with section 119.07 of the Revised Code, the 51543
board is not required to hold a hearing, but may adopt, by an 51544
affirmative vote of not fewer than six of its members, a final 51545
order that contains the board's findings. In the final order, the 51546
board may order any of the sanctions identified under division (A) 51547
or (B) of this section. 51548

(K) Any action taken by the board under division (B) of this 51549
section resulting in a suspension shall be accompanied by a 51550
written statement of the conditions under which the 51551
anesthesiologist assistant's ~~certificate~~ license may be 51552
reinstated. The board shall adopt rules in accordance with Chapter 51553
119. of the Revised Code governing conditions to be imposed for 51554
reinstatement. Reinstatement of a ~~certificate~~ license suspended 51555
pursuant to division (B) of this section requires an affirmative 51556
vote of not fewer than six members of the board. 51557

(L) When the board refuses to grant or issue a ~~certificate~~ 51558

license to practice as an anesthesiologist assistant to an 51559
applicant, revokes an individual's ~~certificate~~ license, refuses to 51560
renew an individual's ~~certificate~~ license, or refuses to reinstate 51561
an individual's ~~certificate~~ license, the board may specify that 51562
its action is permanent. An individual subject to a permanent 51563
action taken by the board is forever thereafter ineligible to hold 51564
a ~~certificate~~ license to practice as an anesthesiologist assistant 51565
and the board shall not accept an application for reinstatement of 51566
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 51567
license. 51568

(M) Notwithstanding any other provision of the Revised Code, 51569
all of the following apply: 51570

(1) The surrender of a ~~certificate~~ license to practice issued 51571
under this chapter is not effective unless or until accepted by 51572
the board. Reinstatement of a ~~certificate~~ license surrendered to 51573
the board requires an affirmative vote of not fewer than six 51574
members of the board. 51575

(2) An application made under this chapter for a ~~certificate~~ 51576
license to practice may not be withdrawn without approval of the 51577
board. 51578

(3) Failure by an individual to renew a ~~certificate~~ license 51579
to practice in accordance with section 4760.06 of the Revised Code 51580
shall not remove or limit the board's jurisdiction to take 51581
disciplinary action under this section against the individual. 51582

Sec. 4760.131. On receipt of a notice pursuant to section 51583
3123.43 of the Revised Code, the state medical board shall comply 51584
with sections 3123.41 to 3123.50 of the Revised Code and any 51585
applicable rules adopted under section 3123.63 of the Revised Code 51586
with respect to a ~~certificate~~ license to practice as an 51587
anesthesiologist assistant issued pursuant to this chapter. 51588

Sec. 4760.132. If the state medical board has reason to 51589
believe that any person who has been granted a ~~certificate~~ license 51590
to practice as an anesthesiologist assistant under this chapter is 51591
mentally ill or mentally incompetent, it may file in the probate 51592
court of the county in which the person has a legal residence an 51593
affidavit in the form prescribed in section 5122.11 of the Revised 51594
Code and signed by the board secretary or a member of the board 51595
secretary's staff, whereupon the same proceedings shall be had as 51596
provided in Chapter 5122. of the Revised Code. The attorney 51597
general may represent the board in any proceeding commenced under 51598
this section. 51599

If any person who has been granted a ~~certificate~~ license to 51600
practice is adjudged by a probate court to be mentally ill or 51601
mentally incompetent, the person's ~~certificate~~ license shall be 51602
automatically suspended until the person has filed with the state 51603
medical board a certified copy of an adjudication by a probate 51604
court of the person's subsequent restoration to competency or has 51605
submitted to the board proof, satisfactory to the board, that the 51606
person has been discharged as having a restoration to competency 51607
in the manner and form provided in section 5122.38 of the Revised 51608
Code. The judge of the probate court shall forthwith notify the 51609
state medical board of an adjudication of mental illness or mental 51610
incompetence, and shall note any suspension of a ~~certificate~~ 51611
license in the margin of the court's record of such ~~certificate~~ 51612
license. 51613

Sec. 4760.14. (A) The state medical board shall investigate 51614
evidence that appears to show that any person has violated this 51615
chapter or the rules adopted under it. Any person may report to 51616
the board in a signed writing any information the person has that 51617
appears to show a violation of any provision of this chapter or 51618
the rules adopted under it. In the absence of bad faith, a person 51619

who reports such information or testifies before the board in an 51620
adjudication conducted under Chapter 119. of the Revised Code 51621
shall not be liable for civil damages as a result of reporting the 51622
information or providing testimony. Each complaint or allegation 51623
of a violation received by the board shall be assigned a case 51624
number and be recorded by the board. 51625

(B) Investigations of alleged violations of this chapter or 51626
rules adopted under it shall be supervised by the supervising 51627
member elected by the board in accordance with section 4731.02 of 51628
the Revised Code and by the secretary as provided in section 51629
4760.15 of the Revised Code. The board's president may designate 51630
another member of the board to supervise the investigation in 51631
place of the supervising member. A member of the board who 51632
supervises the investigation of a case shall not participate in 51633
further adjudication of the case. 51634

(C) In investigating a possible violation of this chapter or 51635
the rules adopted under it, the board may administer oaths, order 51636
the taking of depositions, issue subpoenas, and compel the 51637
attendance of witnesses and production of books, accounts, papers, 51638
records, documents, and testimony, except that a subpoena for 51639
patient record information shall not be issued without 51640
consultation with the attorney general's office and approval of 51641
the secretary and supervising member of the board. Before issuance 51642
of a subpoena for patient record information, the secretary and 51643
supervising member shall determine whether there is probable cause 51644
to believe that the complaint filed alleges a violation of this 51645
chapter or the rules adopted under it and that the records sought 51646
are relevant to the alleged violation and material to the 51647
investigation. The subpoena may apply only to records that cover a 51648
reasonable period of time surrounding the alleged violation. 51649

On failure to comply with any subpoena issued by the board 51650

and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is an anesthesiologist assistant, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery.

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing

boards, and other governmental agencies that are prosecuting, 51682
adjudicating, or investigating alleged violations of statutes or 51683
administrative rules. An agency or board that receives the 51684
information shall comply with the same requirements regarding 51685
confidentiality as those with which the state medical board must 51686
comply, notwithstanding any conflicting provision of the Revised 51687
Code or procedure of the agency or board that applies when it is 51688
dealing with other information in its possession. In a judicial 51689
proceeding, the information may be admitted into evidence only in 51690
accordance with the Rules of Evidence, but the court shall require 51691
that appropriate measures are taken to ensure that confidentiality 51692
is maintained with respect to any part of the information that 51693
contains names or other identifying information about patients or 51694
complainants whose confidentiality was protected by the state 51695
medical board when the information was in the board's possession. 51696
Measures to ensure confidentiality that may be taken by the court 51697
include sealing its records or deleting specific information from 51698
its records. 51699

(F) The state medical board shall develop requirements for 51700
and provide appropriate initial training and continuing education 51701
for investigators employed by the board to carry out its duties 51702
under this chapter. The training and continuing education may 51703
include enrollment in courses operated or approved by the Ohio 51704
peace officer training commission that the board considers 51705
appropriate under conditions set forth in section 109.79 of the 51706
Revised Code. 51707

(G) On a quarterly basis, the board shall prepare a report 51708
that documents the disposition of all cases during the preceding 51709
three months. The report shall contain the following information 51710
for each case with which the board has completed its activities: 51711

(1) The case number assigned to the complaint or alleged 51712
violation; 51713

(2) The type of ~~certificate~~ license to practice, if any, held 51714
by the individual against whom the complaint is directed; 51715

(3) A description of the allegations contained in the 51716
complaint; 51717

(4) The disposition of the case. 51718

The report shall state how many cases are still pending, and 51719
shall be prepared in a manner that protects the identity of each 51720
person involved in each case. The report is a public record for 51721
purposes of section 149.43 of the Revised Code. 51722

Sec. 4760.15. (A) As used in this section, "prosecutor" has 51723
the same meaning as in section 2935.01 of the Revised Code. 51724

(B) Whenever any person holding a valid ~~certificate~~ license 51725
issued pursuant to this chapter pleads guilty to, is subject to a 51726
judicial finding of guilt of, or is subject to a judicial finding 51727
of eligibility for intervention in lieu of conviction for a 51728
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 51729
of any substantively comparable ordinance of a municipal 51730
corporation in connection with the person's practice, the 51731
prosecutor in the case, on forms prescribed and provided by the 51732
state medical board, shall promptly notify the board of the 51733
conviction. Within thirty days of receipt of that information, the 51734
board shall initiate action in accordance with Chapter 119. of the 51735
Revised Code to determine whether to suspend or revoke the 51736
~~certificate~~ license under section 4760.13 of the Revised Code. 51737

(C) The prosecutor in any case against any person holding a 51738
valid ~~certificate~~ license to practice issued pursuant to this 51739
chapter, on forms prescribed and provided by the state medical 51740
board, shall notify the board of any of the following: 51741

(1) A plea of guilty to, a finding of guilt by a jury or 51742
court of, or judicial finding of eligibility for intervention in 51743

lieu of conviction for a felony, or a case in which the trial 51744
court issues an order of dismissal upon technical or procedural 51745
grounds of a felony charge; 51746

(2) A plea of guilty to, a finding of guilt by a jury or 51747
court of, or judicial finding of eligibility for intervention in 51748
lieu of conviction for a misdemeanor committed in the course of 51749
practice, or a case in which the trial court issues an order of 51750
dismissal upon technical or procedural grounds of a charge of a 51751
misdemeanor, if the alleged act was committed in the course of 51752
practice; 51753

(3) A plea of guilty to, a finding of guilt by a jury or 51754
court of, or judicial finding of eligibility for intervention in 51755
lieu of conviction for a misdemeanor involving moral turpitude, or 51756
a case in which the trial court issues an order of dismissal upon 51757
technical or procedural grounds of a charge of a misdemeanor 51758
involving moral turpitude. 51759

The report shall include the name and address of the 51760
~~certificate~~ license holder, the nature of the offense for which 51761
the action was taken, and the certified court documents recording 51762
the action. 51763

Sec. 4760.16. (A) Within sixty days after the imposition of 51764
any formal disciplinary action taken by any health care facility, 51765
including a hospital, health care facility operated by ~~an~~ a health 51766
insuring corporation, ambulatory surgical facility, or similar 51767
facility, against any individual holding a valid ~~certificate~~ 51768
license to practice as an anesthesiologist assistant, the chief 51769
administrator or executive officer of the facility shall report to 51770
the state medical board the name of the individual, the action 51771
taken by the facility, and a summary of the underlying facts 51772
leading to the action taken. On request, the board shall be 51773
provided certified copies of the patient records that were the 51774

basis for the facility's action. Prior to release to the board, 51775
the summary shall be approved by the peer review committee that 51776
reviewed the case or by the governing board of the facility. 51777

The filing of a report with the board or decision not to file 51778
a report, investigation by the board, or any disciplinary action 51779
taken by the board, does not preclude a health care facility from 51780
taking disciplinary action against an anesthesiologist assistant. 51781

In the absence of fraud or bad faith, no individual or entity 51782
that provides patient records to the board shall be liable in 51783
damages to any person as a result of providing the records. 51784

(B)(1) Except as provided in division (B)(2) of this section, 51785
an anesthesiologist assistant, professional association or society 51786
of anesthesiologist assistants, physician, or professional 51787
association or society of physicians that believes a violation of 51788
any provision of this chapter, Chapter 4731. of the Revised Code, 51789
or rule of the board has occurred shall report to the board the 51790
information on which the belief is based. 51791

(2) An anesthesiologist assistant, professional association 51792
or society of anesthesiologist assistants, physician, or 51793
professional association or society of physicians that believes 51794
that a violation of division (B)(6) of section 4760.13 of the 51795
Revised Code has occurred shall report the information upon which 51796
the belief is based to the monitoring organization conducting the 51797
program established by the board under section 4731.251 of the 51798
Revised Code. If any such report is made to the board, it shall be 51799
referred to the monitoring organization unless the board is aware 51800
that the individual who is the subject of the report does not meet 51801
the program eligibility requirements of section 4731.252 of the 51802
Revised Code. 51803

(C) Any professional association or society composed 51804
primarily of anesthesiologist assistants that suspends or revokes 51805

an individual's membership for violations of professional ethics, 51806
or for reasons of professional incompetence or professional 51807
malpractice, within sixty days after a final decision, shall 51808
report to the board, on forms prescribed and provided by the 51809
board, the name of the individual, the action taken by the 51810
professional organization, and a summary of the underlying facts 51811
leading to the action taken. 51812

The filing of a report with the board or decision not to file 51813
a report, investigation by the board, or any disciplinary action 51814
taken by the board, does not preclude a professional organization 51815
from taking disciplinary action against an anesthesiologist 51816
assistant. 51817

(D) Any insurer providing professional liability insurance to 51818
any person holding a valid ~~certificate~~ license to practice as an 51819
anesthesiologist assistant or any other entity that seeks to 51820
indemnify the professional liability of an anesthesiologist 51821
assistant shall notify the board within thirty days after the 51822
final disposition of any written claim for damages where such 51823
disposition results in a payment exceeding twenty-five thousand 51824
dollars. The notice shall contain the following information: 51825

(1) The name and address of the person submitting the 51826
notification; 51827

(2) The name and address of the insured who is the subject of 51828
the claim; 51829

(3) The name of the person filing the written claim; 51830

(4) The date of final disposition; 51831

(5) If applicable, the identity of the court in which the 51832
final disposition of the claim took place. 51833

(E) The board may investigate possible violations of this 51834
chapter or the rules adopted under it that are brought to its 51835

attention as a result of the reporting requirements of this 51836
section, except that the board shall conduct an investigation if a 51837
possible violation involves repeated malpractice. As used in this 51838
division, "repeated malpractice" means three or more claims for 51839
malpractice within the previous five-year period, each resulting 51840
in a judgment or settlement in excess of twenty-five thousand 51841
dollars in favor of the claimant, and each involving negligent 51842
conduct by the anesthesiologist assistant. 51843

(F) All summaries, reports, and records received and 51844
maintained by the board pursuant to this section shall be held in 51845
confidence and shall not be subject to discovery or introduction 51846
in evidence in any federal or state civil action involving an 51847
anesthesiologist assistant, supervising physician, or health care 51848
facility arising out of matters that are the subject of the 51849
reporting required by this section. The board may use the 51850
information obtained only as the basis for an investigation, as 51851
evidence in a disciplinary hearing against an anesthesiologist 51852
assistant or supervising physician, or in any subsequent trial or 51853
appeal of a board action or order. 51854

The board may disclose the summaries and reports it receives 51855
under this section only to health care facility committees within 51856
or outside this state that are involved in credentialing or 51857
recredentialing an anesthesiologist assistant or supervising 51858
physician or reviewing their privilege to practice within a 51859
particular facility. The board shall indicate whether or not the 51860
information has been verified. Information transmitted by the 51861
board shall be subject to the same confidentiality provisions as 51862
when maintained by the board. 51863

(G) Except for reports filed by an individual pursuant to 51864
division (B) of this section, the board shall send a copy of any 51865
reports or summaries it receives pursuant to this section to the 51866
anesthesiologist assistant. The anesthesiologist assistant shall 51867

have the right to file a statement with the board concerning the 51868
correctness or relevance of the information. The statement shall 51869
at all times accompany that part of the record in contention. 51870

(H) An individual or entity that reports to the board, 51871
reports to the monitoring organization described in section 51872
4731.251 of the Revised Code, or refers an impaired 51873
anesthesiologist assistant to a treatment provider approved by the 51874
board under section 4731.25 of the Revised Code shall not be 51875
subject to suit for civil damages as a result of the report, 51876
referral, or provision of the information. 51877

(I) In the absence of fraud or bad faith, a professional 51878
association or society of anesthesiologist assistants that 51879
sponsors a committee or program to provide peer assistance to an 51880
anesthesiologist assistant with substance abuse problems, a 51881
representative or agent of such a committee or program, a 51882
representative or agent of the monitoring organization described 51883
in section 4731.251 of the Revised Code, and a member of the state 51884
medical board shall not be held liable in damages to any person by 51885
reason of actions taken to refer an anesthesiologist assistant to 51886
a treatment provider approved under section 4731.25 of the Revised 51887
Code for examination or treatment. 51888

Sec. 4760.18. The attorney general, the prosecuting attorney 51889
of any county in which the offense was committed or the offender 51890
resides, the state medical board, or any other person having 51891
knowledge of a person engaged either directly or by complicity in 51892
practicing as an anesthesiologist assistant without having first 51893
obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued 51894
under this chapter, may, in accordance with provisions of the 51895
Revised Code governing injunctions, maintain an action in the name 51896
of the state to enjoin any person from engaging either directly or 51897
by complicity in unlawfully practicing as an anesthesiologist 51898

assistant by applying for an injunction in any court of competent jurisdiction. 51899
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Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 51901
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 51914
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Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. 51919
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Sec. 4761.05. (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. 51922
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(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 51928
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4761.04 of the Revised Code, files an application on a form 51930
furnished by the board, pays the fee required under section 51931
4761.07 of the Revised Code, and meets either of the following 51932
requirements: 51933

(a) Is enrolled in and is in good standing in a respiratory 51934
care educational program approved by the board that meets the 51935
requirements of division (A)(2) of section 4761.04 of the Revised 51936
Code leading to a degree or certificate of completion or is a 51937
graduate of the program; 51938

(b) Is employed as a provider of respiratory care in this 51939
state and was employed as a provider of respiratory care in this 51940
state prior to March 14, 1989. 51941

(2) If no grounds apply under section 4761.09 of the Revised 51942
Code for denying a limited permit to the applicant and the 51943
applicant meets the requirements of division (B) of this section, 51944
the board shall issue a limited permit to the applicant. 51945

~~The board shall maintain a register of all persons holding~~ 51946
~~limited permits under this chapter.~~ The limited permit authorizes 51947
the holder to provide respiratory care under the supervision of a 51948
respiratory care professional. A person issued a limited permit 51949
under division (B)(1)(a) of this section may practice respiratory 51950
care under the limited permit for not more than three years after 51951
the date the limited permit is issued, except that the limited 51952
permit shall cease to be valid one year following the date of 51953
receipt of a certificate of completion from a board-approved 51954
respiratory care education program or immediately if the holder 51955
discontinues participation in the educational program. 51956

The holder shall notify the board as soon as practicable when 51957
the holder completes a board-approved respiratory care education 51958
program or discontinues participation in the educational program. 51959

This division does not require a student enrolled in an 51960

educational program leading to a degree or certificate of 51961
completion in respiratory care approved by the board to obtain a 51962
limited permit to perform any duties that are part of the required 51963
course of study. 51964

(3) A person issued a limited permit under division (B)(1)(b) 51965
of this section may practice under a limited permit for not more 51966
than three years, except that this restriction does not apply to a 51967
permit holder who, on March 14, 1989, has been employed as a 51968
provider of respiratory care for an average of not less than 51969
twenty-five hours per week for a period of not less than five 51970
years by a hospital. 51971

(4) During the three-year period in which a person may 51972
practice under a limited permit, the person shall apply for 51973
renewal on an annual basis in accordance with section 4761.06 of 51974
the Revised Code. 51975

(5) The board may revoke a limited permit upon proof 51976
satisfactory to the board that the permit holder has engaged in 51977
practice in this state outside the scope of the permit, that the 51978
holder has engaged in unethical conduct, or that there are grounds 51979
for action against the holder under section 4761.09 of the Revised 51980
Code. 51981

(C) The holder of a license or limited permit issued under 51982
this section shall either provide verification of licensure or 51983
permit status from the board's internet web site on request or 51984
prominently display a wall certificate in the license holder's 51985
office or place where the majority of the holder's practice is 51986
conducted. 51987

Sec. 4761.06. (A) Each license to practice respiratory care 51988
shall ~~be renewed biennially~~ expire ~~on or before the last day of~~ 51989
~~June of every even-numbered year~~ the date that is two years after 51990
the date of issuance and may be renewed for additional two-year 51991

periods. Each limited permit to practice respiratory care shall be renewed annually. Each person ~~holding~~ seeking to renew a license or limited permit to practice respiratory care shall apply to the state medical board ~~on the form and according to the schedule in a manner~~ prescribed by the board ~~for renewal of the license or limited permit~~. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The ~~state medical~~ board shall renew a license if the holder pays the license renewal fee prescribed under section 4761.07 of the Revised Code and certifies that the holder has completed the continuing education or reexamination requirements of division (B) of this section.

At least one month before a license expires, the board shall provide to the license holder a renewal notice. Failure of any ~~person~~ license holder to receive a notice of renewal from the board shall not excuse the ~~person~~ holder from the requirements contained in this section. Each ~~person holding a~~ license holder shall give notice to the board of a change in the ~~license~~ holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

The board shall renew a limited permit if the holder pays the limited permit renewal fee prescribed under section 4761.07 of the Revised Code and does either of the following:

(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, certifies that the holder is enrolled and in good standing in an educational program that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code or has graduated from such a program;

(2) If the limited permit was issued on the basis of division (B)(1)(b) of section 4761.05 of the Revised Code, certifies that the applicant is employed as a provider of respiratory care under

the supervision of a respiratory care professional. 52023

(B) On ~~and after March 14, 1991, and every year thereafter,~~ 52024
~~on~~ or before the annual renewal date, the holder of a limited 52025
permit issued under division (B)(1)(b) of section 4761.05 of the 52026
Revised Code shall certify to the board that the holder has 52027
satisfactorily completed the number of hours of continuing 52028
education required by the board, which shall not be less than 52029
three nor more than ten hours of continuing education acceptable 52030
to the board. 52031

On or before the ~~biennial renewal~~ date a license expires, a 52032
license holder shall certify to the board that the license holder 52033
has satisfactorily completed the number of hours of continuing 52034
education required by the board, which shall be not less than six 52035
nor more than twenty hours of continuing education acceptable to 52036
the board, or has passed a reexamination in accordance with the 52037
board's renewal requirements. 52038

(C)(1) A license to practice respiratory care that is not 52039
renewed on or before its expiration date is automatically 52040
suspended on its expiration date. Continued practice after 52041
suspension shall be considered as practicing in violation of 52042
section 4761.10 of the Revised Code. 52043

(2) If a license has been suspended pursuant to division 52044
(C)(1) of this section for two years or less, it may be 52045
reinstated. The ~~state medical~~ board shall reinstate the license 52046
upon the applicant's submission of a complete renewal application 52047
and payment of a reinstatement fee of one hundred dollars. 52048

~~(3)(a)~~ If a license has been suspended pursuant to division 52049
(C)(1) of this section for more than two years, it may be 52050
restored. The Subject to section 4761.061 of the Revised Code, the 52051
board may restore the license upon an applicant's submission of a 52052
complete restoration application and a restoration fee of one 52053

hundred twenty-five dollars and compliance with sections 4776.01 52054
to 4776.04 of the Revised Code. The board shall not restore a 52055
license unless the board, in its discretion, decides that the 52056
results of the criminal records check do not make the applicant 52057
ineligible for a license issued pursuant to division (A) of this 52058
section. 52059

~~(b) The board may impose terms and conditions for the 52060
restoration, including any one or more of the following: 52061~~

~~(i) Requiring the applicant to pass an oral or written 52062
examination, or both, to determine the applicant's present fitness 52063
to resume practice; 52064~~

~~(ii) Requiring the applicant to obtain additional training 52065
and to pass an examination upon completion of such training; 52066~~

~~(iii) Restricting or limiting the extent, scope, or type of 52067
practice of the applicant. 52068~~

Sec. 4761.061. (A) This section applies to both of the 52069
following: 52070

(1) An applicant seeking restoration of a license issued 52071
under this chapter that has been in a suspended or inactive state 52072
for any cause for more than two years; 52073

(2) An applicant seeking issuance of a license pursuant to 52074
this chapter who for more than two years has not been engaged in 52075
the practice of respiratory care as either of the following: 52076

(a) An active practitioner; 52077

(b) A student in an educational program as described in 52078
section 4761.04 of the Revised Code. 52079

(B) Before issuing a license to an applicant subject to this 52080
section or restoring a license to good standing for an applicant 52081
subject to this section, the state medical board may impose terms 52082

and conditions including any one or more of the following: 52083

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 52084
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 52087
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 52089
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 52094
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 52096
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 52100
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 52102
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Sec. 4762.02. (A) Except as provided in division (B), (C), or (D) of this section, no person shall do either of the following: 52107
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(1) Engage in the practice of oriental medicine unless the person holds a valid ~~certificate~~ license to practice as an oriental medicine practitioner issued by the state medical board 52110
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under this chapter; 52113

(2) Engage in the practice of acupuncture unless the person 52114
holds a valid ~~certificate~~ license to practice as an acupuncturist 52115
issued by the state medical board under this chapter. 52116

(B) Division (A) of this section does not apply to a 52117
physician. 52118

(C) Division (A)(1) of this section does not apply to the 52119
following: 52120

(1) A person who engages in activities included in the 52121
practice of oriental medicine as part of a training program in 52122
oriental medicine, but only if both of the following conditions 52123
are met: 52124

(a) The training program is operated by an educational 52125
institution that holds an effective certificate of authorization 52126
issued by the ~~Ohio board of regents~~ chancellor of higher education 52127
under section 1713.02 of the Revised Code or a school that holds 52128
an effective certificate of registration issued by the state board 52129
of career colleges and schools under section 3332.05 of the 52130
Revised Code. 52131

(b) The person engages in the activities under the general 52132
supervision of an individual who holds a ~~certificate~~ license to 52133
practice as an oriental medicine practitioner issued under this 52134
chapter and is not practicing within the supervisory period 52135
required by section 4762.10 of the Revised Code. 52136

(2) To the extent that acupuncture is a component of oriental 52137
medicine, an individual who holds a ~~certificate~~ license to 52138
practice as an acupuncturist issued under this chapter or a 52139
chiropractor who holds a certificate to practice acupuncture 52140
issued by the state chiropractic board under section 4734.283 of 52141
the Revised Code. 52142

(D) Division (A)(2) of this section does not apply to the 52143
following: 52144

(1) A person who performs acupuncture as part of a training 52145
program in acupuncture, but only if both of the following 52146
conditions are met: 52147

(a) The training program is operated by an educational 52148
institution that holds an effective certificate of authorization 52149
issued by the ~~Ohio board of regents~~ chancellor of higher education 52150
under section 1713.02 of the Revised Code or a school that holds 52151
an effective certificate of registration issued by the state board 52152
of career colleges and schools under section 3332.05 of the 52153
Revised Code. 52154

(b) The person performs the acupuncture under the general 52155
supervision of an acupuncturist who holds a ~~certificate~~ license to 52156
practice as an acupuncturist issued under this chapter and is not 52157
practicing within the supervisory period required by section 52158
4762.10 of the Revised Code. 52159

(2) An individual who holds a ~~certificate~~ license to practice 52160
as an oriental medicine practitioner issued under this chapter. 52161

(3) A chiropractor who holds a certificate to practice 52162
acupuncture issued by the state chiropractic board under section 52163
4734.283 of the Revised Code. 52164

Sec. 4762.03. (A) An individual seeking a ~~certificate~~ license 52165
to practice as an oriental medicine practitioner or ~~certificate~~ 52166
license to practice as an acupuncturist shall file with the state 52167
medical board a written application on a form prescribed and 52168
supplied by the board. 52169

(B) To be eligible for the ~~certificate to practice~~ license, 52170
an applicant shall meet all of the following conditions, as 52171
applicable: 52172

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the ~~certificate~~ license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a ~~certificate~~ license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and

Chinese herbology, or diplomate in acupuncture; 52204

(c) Submitting evidence satisfactory to the board that the 52205
applicant, in seeking a designation from the national 52206
certification commission for acupuncture and oriental medicine as 52207
a diplomate of oriental medicine, diplomate of acupuncture and 52208
Chinese herbology, or diplomate of acupuncture, has successfully 52209
completed in English the examination required for such a 52210
designation by the national certification commission for 52211
acupuncture and oriental medicine; 52212

(d) In the case of an applicant seeking a ~~certificate~~ license 52213
to practice as an oriental medicine practitioner, submitting 52214
evidence satisfactory to the board that the applicant has 52215
previously held a ~~certificate~~ license to practice as an 52216
acupuncturist issued under section 4762.04 of the Revised Code. 52217

(5) The applicant shall submit to the board any other 52218
information the board requires. 52219

(6) The applicant shall pay to the board a fee of one hundred 52220
dollars, no part of which may be returned to the applicant. 52221

(C) The board shall review all applications received under 52222
this section. The board shall determine whether an applicant meets 52223
the requirements to receive a ~~certificate to practice~~ license not 52224
later than sixty days after receiving a complete application. ~~The~~ 52225
~~affirmative vote of not fewer than six members of the board is~~ 52226
~~required to determine that an applicant meets the requirements for~~ 52227
~~a certificate.~~ 52228

Sec. 4762.031. In addition to any other eligibility 52229
requirement set forth in this chapter, each applicant for a 52230
~~certificate~~ license to practice as an oriental medicine 52231
practitioner or ~~certificate~~ license to practice as an 52232
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 52233

Revised Code. The state medical board shall not grant to an 52234
applicant a ~~certificate~~ license to practice unless the board, in 52235
its discretion, decides that the results of the criminal records 52236
check do not make the applicant ineligible for a ~~certificate~~ 52237
license issued pursuant to section 4762.04 of the Revised Code. 52238

Sec. 4762.04. If the state medical board determines under 52239
section 4762.03 of the Revised Code that an applicant meets the 52240
requirements for a ~~certificate~~ license to practice as an oriental 52241
medicine practitioner or ~~certificate~~ license to practice as an 52242
acupuncturist, the secretary of the board shall register the 52243
applicant as an oriental medicine practitioner or acupuncturist, 52244
as appropriate, and issue to the applicant the appropriate 52245
~~certificate~~ license to practice. The ~~certificate~~ license shall be 52246
valid for a two-year period unless revoked or suspended, shall 52247
expire ~~biennially~~ on the date that is two years after the date of 52248
issuance, and may be renewed for additional two-year periods in 52249
accordance with section 4762.06 of the Revised Code. 52250

Sec. 4762.05. Upon application by the holder of a ~~certificate~~ 52251
license to practice as an oriental medicine practitioner or 52252
~~certificate~~ license to practice as an acupuncturist, the state 52253
medical board shall issue a duplicate ~~certificate~~ license to 52254
replace one that is missing or damaged, to reflect a name change, 52255
or for any other reasonable cause. The fee for a duplicate 52256
~~certificate~~ license is thirty-five dollars. 52257

Sec. 4762.06. (A) A person seeking to renew a ~~certificate~~ 52258
license to practice as an oriental medicine practitioner or 52259
~~certificate~~ license to practice as an acupuncturist shall, on or 52260
before the ~~thirty first day of January of each even numbered year~~ 52261
license's expiration date, apply to the state medical board for 52262
renewal ~~of the certificate.~~ The ~~state medical~~ board shall provide 52263

renewal notices to license holders at least one month prior to the 52264
expiration date. 52265

Applications shall be submitted to the board in a manner 52266
prescribed by the board. Each application shall be accompanied by 52267
a biennial renewal fee of one hundred dollars. 52268

The applicant shall report any criminal offense that 52269
constitutes grounds for refusing to issue a ~~certificate~~ license 52270
under section 4762.13 of the Revised Code to which the applicant 52271
has pleaded guilty, of which the applicant has been found guilty, 52272
or for which the applicant has been found eligible for 52273
intervention in lieu of conviction, since last signing an 52274
application for a ~~certificate~~ license to practice as an oriental 52275
medicine practitioner or ~~certificate~~ license to practice as an 52276
acupuncturist. 52277

(B)(1) To be eligible for renewal of a ~~certificate~~ license to 52278
practice as an oriental medicine practitioner, an applicant shall 52279
certify to the board both of the following, as applicable: 52280

(a) That the applicant has maintained a current and active 52281
designation from the national certification commission for 52282
acupuncture and oriental medicine as either a diplomate in 52283
oriental medicine or diplomate of acupuncture and Chinese 52284
herbology; 52285

(b) That the applicant has successfully completed one 52286
six-hour course in herb and drug interaction approved by the 52287
national certification commission for acupuncture and oriental 52288
medicine in the four years immediately preceding the expiration 52289
date of the applicant's current and active designation from the 52290
commission as a diplomate in oriental medicine or diplomate of 52291
acupuncture and Chinese herbology. 52292

(2) To be eligible for renewal of a ~~certificate~~ license to 52293
practice as an acupuncturist, an applicant shall certify to the 52294

board that the acupuncturist has maintained a current and active 52295
designation from the national certification commission for 52296
acupuncture and oriental medicine as a diplomate in acupuncture. 52297

(C) If an applicant submits a complete renewal application 52298
and qualifies for renewal pursuant to division (B) of this 52299
section, the board shall issue to the applicant a renewed 52300
~~certificate~~ license to practice. 52301

(D) A ~~certificate~~ license to practice that is not renewed on 52302
or before its expiration date is automatically suspended on its 52303
expiration date. ~~If~~ 52304

If a ~~certificate~~ license has been suspended pursuant to this 52305
division for two years or less, the board shall reinstate the 52306
~~certificate~~ license upon an applicant's submission of a renewal 52307
application, the biennial renewal fee, and the applicable monetary 52308
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 52309

If a ~~certificate~~ license has been suspended pursuant to this 52310
division for more than two years, it may be restored. Subject to 52311
section 4762.061 of the Revised Code, the board may restore the 52312
license upon an applicant's submission of a restoration 52313
application, the biennial renewal fee, and the applicable monetary 52314
penalty and compliance with sections 4776.01 to 4776.04 of the 52315
Revised Code. The board shall not restore a ~~certificate to~~ 52316
~~practice~~ license unless the board, in its discretion, decides that 52317
the results of the criminal records check do not make the 52318
applicant ineligible for a certificate issued pursuant to section 52319
4762.04 of the Revised Code. The penalty for restoration is fifty 52320
dollars. 52321

Sec. 4762.061. (A) This section applies to both of the 52322
following: 52323

(1) An applicant seeking restoration of a license issued 52324

under this chapter that has been in a suspended or inactive state 52325
for any cause for more than two years; 52326

(2) An applicant seeking issuance of a license pursuant to 52327
this chapter who for more than two years has not been engaged in 52328
the practice of oriental medicine or acupuncture as either of the 52329
following: 52330

(a) An active practitioner; 52331

(b) A participant in a training program as described in 52332
section 4762.02 of the Revised Code. 52333

(B) Before issuing a license to an applicant subject to this 52334
section or restoring a license to good standing for an applicant 52335
subject to this section, the state medical board may impose terms 52336
and conditions including any one or more of the following: 52337

(1) Requiring the applicant to pass an oral or written 52338
examination, or both, to determine the applicant's present fitness 52339
to resume practice; 52340

(2) Requiring the applicant to obtain additional training and 52341
to pass an examination upon completion of such training; 52342

(3) Requiring an assessment of the applicant's physical 52343
skills for purposes of determining whether the applicant's 52344
coordination, fine motor skills, and dexterity are sufficient for 52345
performing evaluations and procedures in a manner that meets the 52346
minimal standards of care; 52347

(4) Requiring an assessment of the applicant's skills in 52348
recognizing and understanding diseases and conditions; 52349

(5) Requiring the applicant to undergo a comprehensive 52350
physical examination, which may include an assessment of physical 52351
abilities, evaluation of sensory capabilities, or screening for 52352
the presence of neurological disorders; 52353

(6) Restricting or limiting the extent, scope, or type of 52354

practice of the applicant. 52355

The board shall consider the moral background and the 52356
activities of the applicant during the period of suspension or 52357
inactivity. The board shall not issue or restore a license under 52358
this section unless the applicant complies with sections 4776.01 52359
to 4776.04 of the Revised Code. 52360

Sec. 4762.08. (A) A person who holds a ~~certificate~~ license to 52361
practice as an oriental medicine practitioner issued under this 52362
chapter may use the following titles, initials, or abbreviations, 52363
or the equivalent of such titles, initials, or abbreviations, to 52364
identify the person as an oriental medicine practitioner: 52365
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 52366
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 52367
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 52368
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 52369
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 52370
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 52371
or "National Board Certified in Acupuncture and Chinese Herbology 52372
(NCCAOM)." The person shall not use other titles, initials, or 52373
abbreviations in conjunction with the person's practice of 52374
oriental medicine, including the title "doctor." 52375

(B) A person who holds a ~~certificate~~ license to practice as 52376
an acupuncturist issued under this chapter may use the following 52377
titles, initials, or abbreviations, or the equivalent of such 52378
titles, initials, or abbreviations, to identify the person as an 52379
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 52380
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 52381
"National Board Certified in Acupuncture (NCCAOM)." The person 52382
shall not use other titles, initials, or abbreviations in 52383
conjunction with the person's practice of acupuncture, including 52384
the title "doctor." 52385

Sec. 4762.09. An individual who holds a ~~certificate~~ license 52386
to practice as an oriental medicine practitioner or ~~certificate~~ 52387
license to practice as an acupuncturist issued under this chapter 52388
shall conspicuously display at the individual's primary place of 52389
business both of the following: 52390

(A) The individual's ~~certificate~~ license, as evidence that 52391
the individual is authorized to practice in this state; 52392

(B) A notice specifying that the practice of oriental 52393
medicine or acupuncture, as applicable, under the ~~certificate~~ 52394
license is regulated by the state medical board and the address 52395
and telephone number of the board's office. 52396

Sec. 4762.10. The following, as applicable, apply to an 52397
individual who holds a ~~certificate~~ license to practice as an 52398
oriental medicine practitioner or ~~certificate~~ license to practice 52399
as an acupuncturist: 52400

(A) On receipt of an initial ~~certificate~~ license to practice, 52401
the practice of the oriental medicine practitioner or 52402
acupuncturist is subject to a supervisory period. The supervisory 52403
period shall begin on the date the initial ~~certificate~~ license is 52404
granted and end one year thereafter, except that if the oriental 52405
medicine practitioner or acupuncturist is subject during that year 52406
to disciplinary action taken by the state medical board pursuant 52407
to section 4762.13 of the Revised Code, the supervision shall 52408
continue until the practitioner or acupuncturist has not been 52409
subject to any disciplinary action for one year. 52410

(B) During the supervisory period, both of the following 52411
apply to an oriental medicine practitioner's or acupuncturist's 52412
practice in addition to the applicable requirements of divisions 52413
(D) and (E) of this section: 52414

(1) An oriental medicine practitioner shall perform oriental 52415

medicine or acupuncture for a patient only if the patient has 52416
received a written referral or prescription for oriental medicine 52417
or acupuncture from a physician or for acupuncture from a 52418
chiropractor. An acupuncturist shall perform acupuncture for a 52419
patient only if the patient has received a written referral or 52420
prescription for acupuncture from a physician or chiropractor. As 52421
specified in the referral or prescription, the oriental medicine 52422
practitioner or acupuncturist shall provide reports to the 52423
physician or chiropractor on the patient's condition or progress 52424
in treatment and comply with the conditions or restrictions on the 52425
practitioner's or acupuncturist's course of treatment. 52426

(2) The oriental medicine practitioner or acupuncturist shall 52427
perform oriental medicine or acupuncture under the general 52428
supervision of the patient's referring or prescribing physician or 52429
chiropractor, except that an oriental medicine practitioner using 52430
herbal therapy in the treatment of a patient shall not provide 52431
herbal therapy under the general supervision of a chiropractor. 52432
General supervision does not require that the oriental medicine 52433
practitioner or acupuncturist and supervising physician or 52434
chiropractor practice in the same office. 52435

(C) After the supervisory period has ended, both of the 52436
following apply to an oriental medicine practitioner's or 52437
acupuncturist's practice in addition to the applicable 52438
requirements of divisions (D) and (E) of this section: 52439

(1) Before treating a patient for a particular condition, an 52440
oriental medicine practitioner or acupuncturist shall confirm 52441
whether the patient has undergone within the past six months a 52442
diagnostic examination that was related to the condition for which 52443
the patient is seeking oriental medicine or acupuncture and was 52444
performed by a physician or chiropractor acting within the 52445
physician's or chiropractor's scope of practice. Confirmation that 52446
the diagnostic examination was performed may be made by obtaining 52447

from the patient a signed form stating that the patient has 52448
undergone the examination. 52449

(2) If the patient does not provide the signed form specified 52450
in division (C)(1) of this section or an oriental medicine 52451
practitioner or acupuncturist otherwise determines that the 52452
patient has not undergone the diagnostic examination specified in 52453
that division, the practitioner or acupuncturist shall provide to 52454
the patient a written recommendation to undergo a diagnostic 52455
examination by a physician or chiropractor. 52456

(D) In an individual's practice of oriental medicine or 52457
acupuncture pursuant to a ~~certificate~~ license to practice issued 52458
under this chapter, all of the following apply: 52459

(1) Prior to treating a patient, the individual shall advise 52460
the patient that oriental medicine or acupuncture, as applicable, 52461
is not a substitute for conventional medical diagnosis and 52462
treatment. 52463

(2) On initially meeting a patient in person, the individual 52464
shall provide in writing the individual's name, business address, 52465
and business telephone number, and information on oriental 52466
medicine or acupuncture, as applicable, including the techniques 52467
that are used. 52468

(3) While treating a patient, the individual shall not make a 52469
diagnosis. If a patient's condition is not improving or a patient 52470
requires emergency medical treatment, the individual shall consult 52471
promptly with a physician. 52472

(4) The individual shall maintain records for each patient 52473
treated. The records shall be confidential and shall be retained 52474
for not less than three years following termination of treatment. 52475
The individual shall include in a patient's records the written 52476
referral or prescription pursuant to which ~~the~~ the patient is 52477
treated during a supervisory period and any written referral or 52478

prescription for oriental medicine or acupuncture received for a 52479
patient being treated after the supervisory period. 52480

(E) In an individual's practice of oriental medicine by using 52481
herbal therapy in the treatment of a patient, all of the following 52482
apply: 52483

(1) The oriental medicine practitioner shall provide to the 52484
patient counseling and treatment instructions. The treatment 52485
instructions shall do all of the following: 52486

(a) Explain the need for herbal therapy; 52487

(b) Instruct the patient how to take the herbal therapy; 52488

(c) Explain possible contraindications to the herbal therapy 52489
and provide sources of care in case of an adverse reaction; 52490

(d) Instruct the patient to inform the patient's other health 52491
care providers, including the patient's pharmacist, of the herbal 52492
therapy that has been provided to the patient. 52493

(2) The oriental medicine practitioner shall document all of 52494
the following in the patient's record: 52495

(a) The type, amount, and strength of herbal therapy 52496
recommended for the patient's use; 52497

(b) The counseling and treatment instructions provided to the 52498
patient under division (E)(1) of this section; 52499

(c) Any adverse reaction reported by the patient in 52500
conjunction with the use of herbal therapy. 52501

(3) The oriental medicine practitioner shall report to the 52502
state medical board any adverse reactions reported by the patient 52503
under division (E)(2)(c) of this section. 52504

Sec. 4762.13. (A) The state medical board, by an affirmative 52505
vote of not fewer than six members, may revoke or may refuse to 52506
grant a ~~certificate~~ license to practice as an oriental medicine 52507

practitioner or ~~certificate~~ license to practice as an 52508
acupuncturist to a person found by the board to have committed 52509
fraud, misrepresentation, or deception in applying for or securing 52510
the ~~certificate~~ license. 52511

(B) The board, by an affirmative vote of not fewer than six 52512
members, shall, to the extent permitted by law, limit, revoke, or 52513
suspend an individual's ~~certificate~~ license to practice, refuse to 52514
issue a ~~certificate~~ license to an applicant, refuse to renew a 52515
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 52516
reprimand or place on probation the holder of a ~~certificate~~ 52517
license for any of the following reasons: 52518

(1) Permitting the holder's name or ~~certificate~~ license to be 52519
used by another person; 52520

(2) Failure to comply with the requirements of this chapter, 52521
Chapter 4731. of the Revised Code, or any rules adopted by the 52522
board; 52523

(3) Violating or attempting to violate, directly or 52524
indirectly, or assisting in or abetting the violation of, or 52525
conspiring to violate, any provision of this chapter, Chapter 52526
4731. of the Revised Code, or the rules adopted by the board; 52527

(4) A departure from, or failure to conform to, minimal 52528
standards of care of similar practitioners under the same or 52529
similar circumstances whether or not actual injury to the patient 52530
is established; 52531

(5) Inability to practice according to acceptable and 52532
prevailing standards of care by reason of mental illness or 52533
physical illness, including physical deterioration that adversely 52534
affects cognitive, motor, or perceptive skills; 52535

(6) Impairment of ability to practice according to acceptable 52536
and prevailing standards of care because of habitual or excessive 52537
use or abuse of drugs, alcohol, or other substances that impair 52538

ability to practice;	52539
(7) Willfully betraying a professional confidence;	52540
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate <u>license</u> to practice as an oriental medicine practitioner or certificate <u>license</u> to practice as an acupuncturist.	52541 52542 52543 52544 52545
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	52546 52547 52548 52549 52550 52551 52552 52553
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	52554 52555 52556 52557
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	52558 52559 52560
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	52561 52562 52563
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	52564 52565 52566
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	52567 52568

conviction for, a misdemeanor committed in the course of practice;	52569
(14) A plea of guilty to, a judicial finding of guilt of, or	52570
a judicial finding of eligibility for intervention in lieu of	52571
conviction for, a misdemeanor involving moral turpitude;	52572
(15) Commission of an act in the course of practice that	52573
constitutes a misdemeanor in this state, regardless of the	52574
jurisdiction in which the act was committed;	52575
(16) Commission of an act involving moral turpitude that	52576
constitutes a misdemeanor in this state, regardless of the	52577
jurisdiction in which the act was committed;	52578
(17) A plea of guilty to, a judicial finding of guilt of, or	52579
a judicial finding of eligibility for intervention in lieu of	52580
conviction for violating any state or federal law regulating the	52581
possession, distribution, or use of any drug, including	52582
trafficking in drugs;	52583
(18) Any of the following actions taken by the state agency	52584
responsible for regulating the practice of oriental medicine or	52585
acupuncture in another jurisdiction, for any reason other than the	52586
nonpayment of fees: the limitation, revocation, or suspension of	52587
an individual's license to practice; acceptance of an individual's	52588
license surrender; denial of a license; refusal to renew or	52589
reinstate a license; imposition of probation; or issuance of an	52590
order of censure or other reprimand;	52591
(19) Violation of the conditions placed by the board on a	52592
certificate <u>license</u> to practice as an oriental medicine	52593
practitioner or certificate <u>license</u> to practice as an	52594
acupuncturist;	52595
(20) Failure to use universal blood and body fluid	52596
precautions established by rules adopted under section 4731.051 of	52597
the Revised Code;	52598

(21) Failure to cooperate in an investigation conducted by 52599
the board under section 4762.14 of the Revised Code, including 52600
failure to comply with a subpoena or order issued by the board or 52601
failure to answer truthfully a question presented by the board at 52602
a deposition or in written interrogatories, except that failure to 52603
cooperate with an investigation shall not constitute grounds for 52604
discipline under this section if a court of competent jurisdiction 52605
has issued an order that either quashes a subpoena or permits the 52606
individual to withhold the testimony or evidence in issue; 52607

(22) Failure to comply with the standards of the national 52608
certification commission for acupuncture and oriental medicine 52609
regarding professional ethics, commitment to patients, commitment 52610
to the profession, and commitment to the public; 52611

(23) Failure to have adequate professional liability 52612
insurance coverage in accordance with section 4762.22 of the 52613
Revised Code; 52614

(24) Failure to maintain a current and active designation as 52615
a diplomate in oriental medicine, diplomate of acupuncture and 52616
Chinese herbology, or diplomate in acupuncture, as applicable, 52617
from the national certification commission for acupuncture and 52618
oriental medicine, including revocation by the commission of the 52619
individual's designation, failure by the individual to meet the 52620
commission's requirements for redesignation, or failure to notify 52621
the board that the appropriate designation has not been 52622
maintained. 52623

(C) Disciplinary actions taken by the board under divisions 52624
(A) and (B) of this section shall be taken pursuant to an 52625
adjudication under Chapter 119. of the Revised Code, except that 52626
in lieu of an adjudication, the board may enter into a consent 52627
agreement with an oriental medicine practitioner or acupuncturist 52628
or applicant to resolve an allegation of a violation of this 52629
chapter or any rule adopted under it. A consent agreement, when 52630

ratified by an affirmative vote of not fewer than six members of 52631
the board, shall constitute the findings and order of the board 52632
with respect to the matter addressed in the agreement. If the 52633
board refuses to ratify a consent agreement, the admissions and 52634
findings contained in the consent agreement shall be of no force 52635
or effect. 52636

(D) For purposes of divisions (B)(12), (15), and (16) of this 52637
section, the commission of the act may be established by a finding 52638
by the board, pursuant to an adjudication under Chapter 119. of 52639
the Revised Code, that the applicant or ~~certificate~~ license holder 52640
committed the act in question. The board shall have no 52641
jurisdiction under these divisions in cases where the trial court 52642
renders a final judgment in the ~~certificate~~ license holder's favor 52643
and that judgment is based upon an adjudication on the merits. The 52644
board shall have jurisdiction under these divisions in cases where 52645
the trial court issues an order of dismissal upon technical or 52646
procedural grounds. 52647

(E) The sealing of conviction records by any court shall have 52648
no effect upon a prior board order entered under the provisions of 52649
this section or upon the board's jurisdiction to take action under 52650
the provisions of this section if, based upon a plea of guilty, a 52651
judicial finding of guilt, or a judicial finding of eligibility 52652
for intervention in lieu of conviction, the board issued a notice 52653
of opportunity for a hearing or entered into a consent agreement 52654
prior to the court's order to seal the records. The board shall 52655
not be required to seal, destroy, redact, or otherwise modify its 52656
records to reflect the court's sealing of conviction records. 52657

(F) For purposes of this division, any individual who holds a 52658
~~certificate~~ license to practice issued under this chapter, or 52659
applies for a ~~certificate~~ license to practice, shall be deemed to 52660
have given consent to submit to a mental or physical examination 52661
when directed to do so in writing by the board and to have waived 52662

all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 52663
52664

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a ~~certificate~~ license to practice issued under this chapter or who has applied for a ~~certificate~~ license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed ~~certificate~~ license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care. 52665
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(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a ~~certificate~~ license to practice issued under this chapter or any applicant for a ~~certificate~~ license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any 52688
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mental or physical examination required under this division shall 52695
be undertaken by a treatment provider or physician qualified to 52696
conduct such examination and chosen by the board. 52697

Failure to submit to a mental or physical examination ordered 52698
by the board constitutes an admission of the allegations against 52699
the individual unless the failure is due to circumstances beyond 52700
the individual's control, and a default and final order may be 52701
entered without the taking of testimony or presentation of 52702
evidence. If the board determines that the individual's ability to 52703
practice is impaired, the board shall suspend the individual's 52704
~~certificate~~ license or deny the individual's application and shall 52705
require the individual, as a condition for an initial, continued, 52706
reinstated, or renewed ~~certificate~~ license, to submit to 52707
treatment. 52708

Before being eligible to apply for reinstatement of a 52709
~~certificate~~ license suspended under this division, the oriental 52710
medicine practitioner or acupuncturist shall demonstrate to the 52711
board the ability to resume practice in compliance with acceptable 52712
and prevailing standards of care. The demonstration shall include 52713
the following: 52714

(a) Certification from a treatment provider approved under 52715
section 4731.25 of the Revised Code that the individual has 52716
successfully completed any required inpatient treatment; 52717

(b) Evidence of continuing full compliance with an aftercare 52718
contract or consent agreement; 52719

(c) Two written reports indicating that the individual's 52720
ability to practice has been assessed and that the individual has 52721
been found capable of practicing according to acceptable and 52722
prevailing standards of care. The reports shall be made by 52723
individuals or providers approved by the board for making such 52724
assessments and shall describe the basis for their determination. 52725

The board may reinstate a ~~certificate~~ license suspended under 52726
this division after such demonstration and after the individual 52727
has entered into a written consent agreement. 52728

When the impaired individual resumes practice, the board 52729
shall require continued monitoring of the individual. The 52730
monitoring shall include monitoring of compliance with the written 52731
consent agreement entered into before reinstatement or with 52732
conditions imposed by board order after a hearing, and, upon 52733
termination of the consent agreement, submission to the board for 52734
at least two years of annual written progress reports made under 52735
penalty of falsification stating whether the individual has 52736
maintained sobriety. 52737

(G) If the secretary and supervising member determine both of 52738
the following, they may recommend that the board suspend an 52739
individual's ~~certificate~~ license to practice without a prior 52740
hearing: 52741

(1) That there is clear and convincing evidence that an 52742
oriental medicine practitioner or acupuncturist has violated 52743
division (B) of this section; 52744

(2) That the individual's continued practice presents a 52745
danger of immediate and serious harm to the public. 52746

Written allegations shall be prepared for consideration by 52747
the board. The board, upon review of the allegations and by an 52748
affirmative vote of not fewer than six of its members, excluding 52749
the secretary and supervising member, may suspend a ~~certificate~~ 52750
license without a prior hearing. A telephone conference call may 52751
be utilized for reviewing the allegations and taking the vote on 52752
the summary suspension. 52753

The board shall issue a written order of suspension by 52754
certified mail or in person in accordance with section 119.07 of 52755
the Revised Code. The order shall not be subject to suspension by 52756

the court during pendency of any appeal filed under section 119.12 52757
of the Revised Code. If the oriental medicine practitioner or 52758
acupuncturist requests an adjudicatory hearing by the board, the 52759
date set for the hearing shall be within fifteen days, but not 52760
earlier than seven days, after the hearing is requested, unless 52761
otherwise agreed to by both the board and the ~~certificate~~ license 52762
holder. 52763

A summary suspension imposed under this division shall remain 52764
in effect, unless reversed on appeal, until a final adjudicative 52765
order issued by the board pursuant to this section and Chapter 52766
119. of the Revised Code becomes effective. The board shall issue 52767
its final adjudicative order within sixty days after completion of 52768
its hearing. Failure to issue the order within sixty days shall 52769
result in dissolution of the summary suspension order, but shall 52770
not invalidate any subsequent, final adjudicative order. 52771

(H) If the board takes action under division (B)(11), (13), 52772
or (14) of this section, and the judicial finding of guilt, guilty 52773
plea, or judicial finding of eligibility for intervention in lieu 52774
of conviction is overturned on appeal, upon exhaustion of the 52775
criminal appeal, a petition for reconsideration of the order may 52776
be filed with the board along with appropriate court documents. 52777
Upon receipt of a petition and supporting court documents, the 52778
board shall reinstate the ~~certificate to practice~~ license. The 52779
board may then hold an adjudication under Chapter 119. of the 52780
Revised Code to determine whether the individual committed the act 52781
in question. Notice of opportunity for hearing shall be given in 52782
accordance with Chapter 119. of the Revised Code. If the board 52783
finds, pursuant to an adjudication held under this division, that 52784
the individual committed the act, or if no hearing is requested, 52785
it may order any of the sanctions specified in division (B) of 52786
this section. 52787

(I) The ~~certificate~~ license to practice of an oriental 52788

medicine practitioner or acupuncturist and the practitioner's or 52789
acupuncturist's practice in this state are automatically suspended 52790
as of the date the practitioner or acupuncturist pleads guilty to, 52791
is found by a judge or jury to be guilty of, or is subject to a 52792
judicial finding of eligibility for intervention in lieu of 52793
conviction in this state or treatment or intervention in lieu of 52794
conviction in another jurisdiction for any of the following 52795
criminal offenses in this state or a substantially equivalent 52796
criminal offense in another jurisdiction: aggravated murder, 52797
murder, voluntary manslaughter, felonious assault, kidnapping, 52798
rape, sexual battery, gross sexual imposition, aggravated arson, 52799
aggravated robbery, or aggravated burglary. Continued practice 52800
after the suspension shall be considered practicing without a 52801
~~certificate~~ license. 52802

The board shall notify the individual subject to the 52803
suspension by certified mail or in person in accordance with 52804
section 119.07 of the Revised Code. If an individual whose 52805
~~certificate~~ license is suspended under this division fails to make 52806
a timely request for an adjudication under Chapter 119. of the 52807
Revised Code, the board shall enter a final order permanently 52808
revoking the individual's ~~certificate to practice~~ license. 52809

(J) In any instance in which the board is required by Chapter 52810
119. of the Revised Code to give notice of opportunity for hearing 52811
and the individual subject to the notice does not timely request a 52812
hearing in accordance with section 119.07 of the Revised Code, the 52813
board is not required to hold a hearing, but may adopt, by an 52814
affirmative vote of not fewer than six of its members, a final 52815
order that contains the board's findings. In the final order, the 52816
board may order any of the sanctions identified under division (A) 52817
or (B) of this section. 52818

(K) Any action taken by the board under division (B) of this 52819
section resulting in a suspension shall be accompanied by a 52820

written statement of the conditions under which the ~~certificate to~~ 52821
~~practice~~ license may be reinstated. The board shall adopt rules in 52822
accordance with Chapter 119. of the Revised Code governing 52823
conditions to be imposed for reinstatement. Reinstatement of a 52824
~~certificate~~ license suspended pursuant to division (B) of this 52825
section requires an affirmative vote of not fewer than six members 52826
of the board. 52827

(L) When the board refuses to grant or issue a ~~certificate to~~ 52828
~~practice~~ license to an applicant, revokes an individual's 52829
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 52830
license, or refuses to reinstate an individual's ~~certificate~~ 52831
license, the board may specify that its action is permanent. An 52832
individual subject to a permanent action taken by the board is 52833
forever thereafter ineligible to hold a ~~certificate~~ license to 52834
practice as an oriental medicine practitioner or ~~certificate~~ 52835
license to practice as an acupuncturist and the board shall not 52836
accept an application for reinstatement of the ~~certificate~~ license 52837
or for issuance of a new ~~certificate~~ license. 52838

(M) Notwithstanding any other provision of the Revised Code, 52839
all of the following apply: 52840

(1) The surrender of a ~~certificate~~ license to practice as an 52841
oriental medicine practitioner or ~~certificate~~ license to practice 52842
as an acupuncturist issued under this chapter is not effective 52843
unless or until accepted by the board. Reinstatement of a 52844
~~certificate~~ license surrendered to the board requires an 52845
affirmative vote of not fewer than six members of the board. 52846

(2) An application made under this chapter for a ~~certificate~~ 52847
license may not be withdrawn without approval of the board. 52848

(3) Failure by an individual to renew a ~~certificate~~ license 52849
in accordance with section 4762.06 of the Revised Code shall not 52850
remove or limit the board's jurisdiction to take disciplinary 52851

action under this section against the individual. 52852

Sec. 4762.131. On receipt of a notice pursuant to section 52853
3123.43 of the Revised Code, the state medical board shall comply 52854
with sections 3123.41 to 3123.50 of the Revised Code and any 52855
applicable rules adopted under section 3123.63 of the Revised Code 52856
with respect to a ~~certificate~~ license to practice as an oriental 52857
medicine practitioner or ~~certificate~~ license to practice as an 52858
acupuncturist issued pursuant to this chapter. 52859

Sec. 4762.132. If the state medical board has reason to 52860
believe that any person who has been granted under this chapter a 52861
~~certificate~~ license to practice as an oriental medicine 52862
practitioner or ~~certificate~~ license to practice as an 52863
acupuncturist is mentally ill or mentally incompetent, it may file 52864
in the probate court of the county in which the person has a legal 52865
residence an affidavit in the form prescribed in section 5122.11 52866
of the Revised Code and signed by the board secretary or a member 52867
of the board secretary's staff, whereupon the same proceedings 52868
shall be had as provided in Chapter 5122. of the Revised Code. The 52869
attorney general may represent the board in any proceeding 52870
commenced under this section. 52871

If any person who has been granted a ~~certificate~~ license is 52872
adjudged by a probate court to be mentally ill or mentally 52873
incompetent, the person's ~~certificate~~ license shall be 52874
automatically suspended until the person has filed with the state 52875
medical board a certified copy of an adjudication by a probate 52876
court of the person's subsequent restoration to competency or has 52877
submitted to the board proof, satisfactory to the board, that the 52878
person has been discharged as having a restoration to competency 52879
in the manner and form provided in section 5122.38 of the Revised 52880
Code. The judge of the probate court shall forthwith notify the 52881
state medical board of an adjudication of mental illness or mental 52882

incompetence, and shall note any suspension of a ~~certificate~~ 52883
license in the margin of the court's record of such ~~certificate~~ 52884
license. 52885

Sec. 4762.14. (A) The state medical board shall investigate 52886
evidence that appears to show that any person has violated this 52887
chapter or the rules adopted under it. Any person may report to 52888
the board in a signed writing any information the person has that 52889
appears to show a violation of any provision of this chapter or 52890
the rules adopted under it. In the absence of bad faith, a person 52891
who reports such information or testifies before the board in an 52892
adjudication conducted under Chapter 119. of the Revised Code 52893
shall not be liable for civil damages as a result of reporting the 52894
information or providing testimony. Each complaint or allegation 52895
of a violation received by the board shall be assigned a case 52896
number and be recorded by the board. 52897

(B) Investigations of alleged violations of this chapter or 52898
rules adopted under it shall be supervised by the supervising 52899
member elected by the board in accordance with section 4731.02 of 52900
the Revised Code and by the secretary as provided in section 52901
4762.17 of the Revised Code. The board's president may designate 52902
another member of the board to supervise the investigation in 52903
place of the supervising member. A member of the board who 52904
supervises the investigation of a case shall not participate in 52905
further adjudication of the case. 52906

(C) In investigating a possible violation of this chapter or 52907
the rules adopted under it, the board may administer oaths, order 52908
the taking of depositions, issue subpoenas, and compel the 52909
attendance of witnesses and production of books, accounts, papers, 52910
records, documents, and testimony, except that a subpoena for 52911
patient record information shall not be issued without 52912
consultation with the attorney general's office and approval of 52913

the secretary and supervising member of the board. Before issuance 52914
of a subpoena for patient record information, the secretary and 52915
supervising member shall determine whether there is probable cause 52916
to believe that the complaint filed alleges a violation of this 52917
chapter or the rules adopted under it and that the records sought 52918
are relevant to the alleged violation and material to the 52919
investigation. The subpoena may apply only to records that cover a 52920
reasonable period of time surrounding the alleged violation. 52921

On failure to comply with any subpoena issued by the board 52922
and after reasonable notice to the person being subpoenaed, the 52923
board may move for an order compelling the production of persons 52924
or records pursuant to the Rules of Civil Procedure. 52925

A subpoena issued by the board may be served by a sheriff, 52926
the sheriff's deputy, or a board employee designated by the board. 52927
Service of a subpoena issued by the board may be made by 52928
delivering a copy of the subpoena to the person named therein, 52929
reading it to the person, or leaving it at the person's usual 52930
place of residence. When the person being served is an oriental 52931
medicine practitioner or acupuncturist, service of the subpoena 52932
may be made by certified mail, restricted delivery, return receipt 52933
requested, and the subpoena shall be deemed served on the date 52934
delivery is made or the date the person refuses to accept 52935
delivery. 52936

A sheriff's deputy who serves a subpoena shall receive the 52937
same fees as a sheriff. Each witness who appears before the board 52938
in obedience to a subpoena shall receive the fees and mileage 52939
provided for under section 119.094 of the Revised Code. 52940

(D) All hearings and investigations of the board shall be 52941
considered civil actions for the purposes of section 2305.252 of 52942
the Revised Code. 52943

(E) Information received by the board pursuant to an 52944

investigation is confidential and not subject to discovery in any 52945
civil action. 52946

The board shall conduct all investigations and proceedings in 52947
a manner that protects the confidentiality of patients and persons 52948
who file complaints with the board. The board shall not make 52949
public the names or any other identifying information about 52950
patients or complainants unless proper consent is given. 52951

The board may share any information it receives pursuant to 52952
an investigation, including patient records and patient record 52953
information, with law enforcement agencies, other licensing 52954
boards, and other governmental agencies that are prosecuting, 52955
adjudicating, or investigating alleged violations of statutes or 52956
administrative rules. An agency or board that receives the 52957
information shall comply with the same requirements regarding 52958
confidentiality as those with which the state medical board must 52959
comply, notwithstanding any conflicting provision of the Revised 52960
Code or procedure of the agency or board that applies when it is 52961
dealing with other information in its possession. In a judicial 52962
proceeding, the information may be admitted into evidence only in 52963
accordance with the Rules of Evidence, but the court shall require 52964
that appropriate measures are taken to ensure that confidentiality 52965
is maintained with respect to any part of the information that 52966
contains names or other identifying information about patients or 52967
complainants whose confidentiality was protected by the state 52968
medical board when the information was in the board's possession. 52969
Measures to ensure confidentiality that may be taken by the court 52970
include sealing its records or deleting specific information from 52971
its records. 52972

(F) The state medical board shall develop requirements for 52973
and provide appropriate initial training and continuing education 52974
for investigators employed by the board to carry out its duties 52975
under this chapter. The training and continuing education may 52976

include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(G) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation;

(2) The type of ~~certificate to practice~~ license, if any, held by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.

Sec. 4762.15. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid ~~certificate~~ license to practice as an oriental medicine practitioner or valid ~~certificate~~ license to practice as an acupuncturist issued pursuant to this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the

prosecutor in the case, on forms prescribed and provided by the 53007
state medical board, shall promptly notify the board of the 53008
conviction. Within thirty days of receipt of that information, the 53009
board shall initiate action in accordance with Chapter 119. of the 53010
Revised Code to determine whether to suspend or revoke the 53011
~~certificate~~ license under section 4762.13 of the Revised Code. 53012

(C) The prosecutor in any case against any person holding a 53013
valid ~~certificate to practice~~ license issued pursuant to this 53014
chapter, on forms prescribed and provided by the state medical 53015
board, shall notify the board of any of the following: 53016

(1) A plea of guilty to, a finding of guilt by a jury or 53017
court of, or judicial finding of eligibility for intervention in 53018
lieu of conviction for a felony, or a case in which the trial 53019
court issues an order of dismissal upon technical or procedural 53020
grounds of a felony charge; 53021

(2) A plea of guilty to, a finding of guilt by a jury or 53022
court of, or judicial finding of eligibility for intervention in 53023
lieu of conviction for a misdemeanor committed in the course of 53024
practice, or a case in which the trial court issues an order of 53025
dismissal upon technical or procedural grounds of a charge of a 53026
misdemeanor, if the alleged act was committed in the course of 53027
practice; 53028

(3) A plea of guilty to, a finding of guilt by a jury or 53029
court of, or judicial finding of eligibility for intervention in 53030
lieu of conviction for a misdemeanor involving moral turpitude, or 53031
a case in which the trial court issues an order of dismissal upon 53032
technical or procedural grounds of a charge of a misdemeanor 53033
involving moral turpitude. 53034

The report shall include the name and address of the 53035
~~certificate~~ license holder, the nature of the offense for which 53036
the action was taken, and the certified court documents recording 53037

the action. 53038

Sec. 4762.16. (A) Within sixty days after the imposition of 53039
any formal disciplinary action taken by any health care facility, 53040
including a hospital, health care facility operated by a health 53041
insuring corporation, ambulatory surgical center, or similar 53042
facility, against any individual holding a valid ~~certificate~~ 53043
license to practice as an oriental medicine practitioner or valid 53044
~~certificate~~ license to practice as an acupuncturist, the chief 53045
administrator or executive officer of the facility shall report to 53046
the state medical board the name of the individual, the action 53047
taken by the facility, and a summary of the underlying facts 53048
leading to the action taken. Upon request, the board shall be 53049
provided certified copies of the patient records that were the 53050
basis for the facility's action. Prior to release to the board, 53051
the summary shall be approved by the peer review committee that 53052
reviewed the case or by the governing board of the facility. 53053

The filing of a report with the board or decision not to file 53054
a report, investigation by the board, or any disciplinary action 53055
taken by the board, does not preclude a health care facility from 53056
taking disciplinary action against an oriental medicine 53057
practitioner or acupuncturist. 53058

In the absence of fraud or bad faith, no individual or entity 53059
that provides patient records to the board shall be liable in 53060
damages to any person as a result of providing the records. 53061

(B)(1) Except as provided in division (B)(2) of this section, 53062
an oriental medicine practitioner or acupuncturist, professional 53063
association or society of oriental medicine practitioners or 53064
acupuncturists, physician, or professional association or society 53065
of physicians that believes a violation of any provision of this 53066
chapter, Chapter 4731. of the Revised Code, or rule of the board 53067
has occurred shall report to the board the information upon which 53068

the belief is based. 53069

(2) An oriental medicine practitioner or acupuncturist, 53070
professional association or society of oriental medicine 53071
practitioners or acupuncturists, physician, or professional 53072
association or society of physicians that believes a violation of 53073
division (B)(6) of section 4762.13 of the Revised Code has 53074
occurred shall report the information upon which the belief is 53075
based to the monitoring organization conducting the program 53076
established by the board under section 4731.251 of the Revised 53077
Code. If any such report is made to the board, it shall be 53078
referred to the monitoring organization unless the board is aware 53079
that the individual who is the subject of the report does not meet 53080
the program eligibility requirements of section 4731.252 of the 53081
Revised Code. 53082

(C) Any professional association or society composed 53083
primarily of oriental medicine practitioners or acupuncturists 53084
that suspends or revokes an individual's membership for violations 53085
of professional ethics, or for reasons of professional 53086
incompetence or professional malpractice, within sixty days after 53087
a final decision, shall report to the board, on forms prescribed 53088
and provided by the board, the name of the individual, the action 53089
taken by the professional organization, and a summary of the 53090
underlying facts leading to the action taken. 53091

The filing of a report with the board or decision not to file 53092
a report, investigation by the board, or any disciplinary action 53093
taken by the board, does not preclude a professional organization 53094
from taking disciplinary action against an individual. 53095

(D) Any insurer providing professional liability insurance to 53096
any person holding a valid ~~certificate~~ license to practice as an 53097
oriental medicine practitioner or valid ~~certificate~~ license to 53098
practice as an acupuncturist or any other entity that seeks to 53099
indemnify the professional liability of an oriental medicine 53100

practitioner or acupuncturist shall notify the board within thirty 53101
days after the final disposition of any written claim for damages 53102
where such disposition results in a payment exceeding twenty-five 53103
thousand dollars. The notice shall contain the following 53104
information: 53105

(1) The name and address of the person submitting the 53106
notification; 53107

(2) The name and address of the insured who is the subject of 53108
the claim; 53109

(3) The name of the person filing the written claim; 53110

(4) The date of final disposition; 53111

(5) If applicable, the identity of the court in which the 53112
final disposition of the claim took place. 53113

(E) The board may investigate possible violations of this 53114
chapter or the rules adopted under it that are brought to its 53115
attention as a result of the reporting requirements of this 53116
section, except that the board shall conduct an investigation if a 53117
possible violation involves repeated malpractice. As used in this 53118
division, "repeated malpractice" means three or more claims for 53119
malpractice within the previous five-year period, each resulting 53120
in a judgment or settlement in excess of twenty-five thousand 53121
dollars in favor of the claimant, and each involving negligent 53122
conduct by the oriental medicine practitioner or acupuncturist. 53123

(F) All summaries, reports, and records received and 53124
maintained by the board pursuant to this section shall be held in 53125
confidence and shall not be subject to discovery or introduction 53126
in evidence in any federal or state civil action involving an 53127
oriental medicine practitioner, acupuncturist, supervising 53128
physician, or health care facility arising out of matters that are 53129
the subject of the reporting required by this section. The board 53130
may use the information obtained only as the basis for an 53131

investigation, as evidence in a disciplinary hearing against an 53132
oriental medicine practitioner, acupuncturist, or supervising 53133
physician, or in any subsequent trial or appeal of a board action 53134
or order. 53135

The board may disclose the summaries and reports it receives 53136
under this section only to health care facility committees within 53137
or outside this state that are involved in credentialing or 53138
recredentialing an oriental medicine practitioner, acupuncturist, 53139
or supervising physician or reviewing their privilege to practice 53140
within a particular facility. The board shall indicate whether or 53141
not the information has been verified. Information transmitted by 53142
the board shall be subject to the same confidentiality provisions 53143
as when maintained by the board. 53144

(G) Except for reports filed by an individual pursuant to 53145
division (B) of this section, the board shall send a copy of any 53146
reports or summaries it receives pursuant to this section to the 53147
acupuncturist. The oriental medicine practitioner or acupuncturist 53148
shall have the right to file a statement with the board concerning 53149
the correctness or relevance of the information. The statement 53150
shall at all times accompany that part of the record in 53151
contention. 53152

(H) An individual or entity that reports to the board, 53153
reports to the monitoring organization described in section 53154
4731.251 of the Revised Code, or refers an impaired oriental 53155
medicine practitioner or impaired acupuncturist to a treatment 53156
provider approved by the board under section 4731.25 of the 53157
Revised Code shall not be subject to suit for civil damages as a 53158
result of the report, referral, or provision of the information. 53159

(I) In the absence of fraud or bad faith, a professional 53160
association or society of oriental medicine practitioners or 53161
acupuncturists that sponsors a committee or program to provide 53162
peer assistance to an oriental medicine practitioner or 53163

acupuncturist with substance abuse problems, a representative or 53164
agent of such a committee or program, a representative or agent of 53165
the monitoring organization described in section 4731.251 of the 53166
Revised Code, and a member of the state medical board shall not be 53167
held liable in damages to any person by reason of actions taken to 53168
refer an oriental medicine practitioner or acupuncturist to a 53169
treatment provider approved under section 4731.25 of the Revised 53170
Code for examination or treatment. 53171

Sec. 4762.18. (A) Subject to division (E) of this section, 53172
the attorney general, the prosecuting attorney of any county in 53173
which the offense was committed or the offender resides, the state 53174
medical board, or any other person having knowledge of a person 53175
engaged either directly or by complicity in the practice of 53176
oriental medicine or acupuncture without having first obtained a 53177
~~certificate~~ license to do so pursuant to this chapter, may, in 53178
accord with provisions of the Revised Code governing injunctions, 53179
maintain an action in the name of the state to enjoin any person 53180
from engaging either directly or by complicity in the unlawful 53181
practice of oriental medicine or acupuncture by applying for an 53182
injunction in any court of competent jurisdiction. 53183

(B) Prior to application for an injunction under division (A) 53184
of this section, the secretary of the state medical board shall 53185
notify the person allegedly engaged either directly or by 53186
complicity in the unlawful practice of oriental medicine or 53187
acupuncture by registered mail that the secretary has received 53188
information indicating that this person is so engaged. The person 53189
shall answer the secretary within thirty days showing that the 53190
person is either properly licensed for the stated activity or that 53191
the person is not in violation of this chapter. If the answer is 53192
not forthcoming within thirty days after notice by the secretary, 53193
the secretary shall request that the attorney general, the 53194
prosecuting attorney of the county in which the offense was 53195

committed or the offender resides, or the state medical board 53196
proceed as authorized in this section. 53197

(C) Upon the filing of a verified petition in court, the 53198
court shall conduct a hearing on the petition and shall give the 53199
same preference to this proceeding as is given all proceedings 53200
under Chapter 119. of the Revised Code, irrespective of the 53201
position of the proceeding on the calendar of the court. 53202

(D) Injunction proceedings as authorized by this section 53203
shall be in addition to, and not in lieu of, all penalties and 53204
other remedies provided in this chapter. 53205

(E) An injunction proceeding permitted by division (A) of 53206
this section may not be maintained against a person described in 53207
division (B) of section 4762.02 of the Revised Code or a 53208
chiropractor who holds a valid certificate to practice acupuncture 53209
issued under section 4734.283 of the Revised Code. 53210

Sec. 4762.22. An individual who holds a ~~certificate~~ license 53211
to practice as an oriental medicine practitioner or ~~certificate~~ 53212
license to practice as an acupuncturist issued under this chapter 53213
shall have professional liability insurance coverage in an amount 53214
that is not less than five hundred thousand dollars. 53215

Sec. 4763.16. (A) The real estate appraiser recovery fund is 53216
hereby created in the state treasury, to be administered by the 53217
superintendent of real estate. The treasurer of state shall credit 53218
to the fund amounts collected by the superintendent as prescribed 53219
in this section and interest earned on the assets of the fund. The 53220
superintendent shall ascertain the balance of the fund as of the 53221
first day of October of each year. If that balance is less than 53222
~~five~~ two hundred thousand dollars at any time, the director of 53223
budget and management, upon the request of the superintendent and 53224
approval of the controlling board, may transfer from the real 53225

estate appraiser operating fund to the real estate appraiser 53226
recovery fund a sum as will bring the real estate appraiser 53227
recovery fund to that amount. 53228

(B) When any person obtains a final judgment in any court of 53229
competent jurisdiction against a certificate holder, registrant, 53230
or licensee, based upon conduct that is in violation of this 53231
chapter or the rules adopted under it, which conduct occurred on 53232
or after the date of their certification, registration, or 53233
licensure, and that is associated with an act or transaction of a 53234
certificate holder, registrant, or licensee specified in this 53235
chapter, that person may file a verified complaint, as described 53236
in this division, in the Franklin county court of common pleas for 53237
an order directing payment out of the real estate appraiser 53238
recovery fund of the portion of the judgment that remains unpaid 53239
and that represents the actual and direct loss of the person for 53240
the act or transaction upon which the underlying judgment was 53241
based, and court costs, if awarded in the underlying judgment, 53242
provided that no person shall receive more than ten thousand 53243
dollars from the fund for any one judgment. A bonding or insurance 53244
company or any partnership, corporation, or association that uses 53245
any tool to develop a valuation of real property for purposes of a 53246
loan or that employs, retains, or engages as an independent 53247
contractor a person licensed, registered, or certified as a real 53248
estate appraiser in its usual or occasional operations may not 53249
seek an order directing, and is not eligible for, payment out of 53250
the fund. Punitive or exemplary damages are not recoverable from 53251
the fund. 53252

The complaint shall specify the nature of the act or 53253
transaction upon which the underlying judgment was based, the 53254
activities of the applicant in pursuit of remedies available under 53255
law for the collection of judgments, and the amount of the fee 53256
paid by the applicant to the certificate holder, registrant, or 53257

licensee. The applicant shall attach to the complaint a copy of 53258
each pleading and order in the underlying court action. 53259

The Franklin county court of common pleas shall order the 53260
superintendent to make payments out of the fund when the person 53261
seeking the order has shown all of the following: 53262

(1) The person has obtained a judgment, as provided in this 53263
division; 53264

(2) All appeals from the judgment have been exhausted and the 53265
person has given notice to the superintendent, as required by 53266
division (C) of this section; 53267

(3) The person is not a spouse of the certificate holder, 53268
registrant, or licensee, or the personal representative of the 53269
spouse; 53270

(4) The person has diligently pursued the person's remedies 53271
against all the certificate holders, registrants, licensees, and 53272
all other persons liable to the person in the transaction for 53273
which the person seeks recovery from the fund; 53274

(5) The person is making a complaint not more than one year 53275
after termination of all proceedings, including appeals, in 53276
connection with the judgment. 53277

(C) A person who applies to the Franklin county court of 53278
common pleas for an order directing payment out of the fund shall 53279
file notice of the complaint with the superintendent. The 53280
superintendent shall send notice to the affected certificate 53281
holder, registrant, or licensee, where possible. The 53282
superintendent may defend the action on behalf of the fund and 53283
shall have recourse to all appropriate means of defense and 53284
review, including examination of witnesses. The superintendent may 53285
move the court at any time to dismiss the complaint when it 53286
appears there are no triable issues and the complaint is without 53287
merit. The motion may be supported by affidavit of any person 53288

having knowledge of the facts and may be made on the basis that 53289
the complaint, including the judgment referred to in the 53290
complaint, does not form the basis for a meritorious recovery 53291
claim. The superintendent may, subject to court approval, 53292
compromise a claim based upon the complaint of an aggrieved party. 53293
The superintendent is not bound by any prior compromise or 53294
stipulation of the certificate holder, registrant, or licensee. 53295
Upon petition of the superintendent, the court may require all 53296
claimants and prospective claimants against one certificate 53297
holder, registrant, or licensee to be joined in one action, to the 53298
end that the respective rights of all such claimants to the fund 53299
may be equitably adjudicated and settled. 53300

(D) If the superintendent pays from the fund any amount in 53301
settlement of a claim or toward satisfaction of a judgment against 53302
a certificate holder, registrant, or licensee, the certificate, 53303
registration, or license of the certificate holder, registrant, or 53304
licensee automatically is suspended upon the date of payment from 53305
the fund. No certificate, registration, or license that has been 53306
suspended pursuant to this division shall be reinstated until the 53307
certificate holder, registrant, or licensee has repaid in full, 53308
plus interest per annum at the rate specified in division (A) of 53309
section 1343.03 of the Revised Code, the amount paid from the fund 53310
on the certificate holder's, registrant's, or licensee's account. 53311
A discharge in bankruptcy does not relieve a person from the 53312
suspension and requirements for reinstatement provided in this 53313
section. 53314

(E) If, at any time, the money deposited in the fund is 53315
insufficient to satisfy any duly authorized claim or portion of a 53316
claim, the superintendent shall, when sufficient money has been 53317
deposited in the fund, satisfy the unpaid claims or portions, in 53318
the order that the claims or portions were originally filed, plus 53319
accumulated interest per annum at the rate specified in division 53320

(A) of section 1343.03 of the Revised Code. 53321

(F) When, upon the order of the court, the superintendent has 53322
paid from the fund any sum to the judgment creditor, the 53323
superintendent is subrogated to all of the rights of the judgment 53324
creditor to the extent of the amount so paid, and the judgment 53325
creditor shall assign all of the judgment creditor's right, title, 53326
and interest in the judgment to the superintendent to the extent 53327
of the amount so paid. The superintendent shall deposit in the 53328
fund any amount and interest so recovered by the superintendent on 53329
the judgment. 53330

(G) Nothing contained in this section shall limit the 53331
authority of the real estate appraiser board to take disciplinary 53332
action against a certificate holder, registrant, or licensee under 53333
other provisions of this chapter. The repayment in full of all 53334
obligations to the fund by a certificate holder, registrant, or 53335
licensee does not nullify or modify the effect of any other 53336
disciplinary proceeding brought pursuant to this chapter, unless 53337
repayment is imposed as a condition in that proceeding. 53338

(H) The superintendent shall collect from the fund a service 53339
fee in an amount equivalent to the interest rate specified in 53340
division (A) of section 1343.03 of the Revised Code multiplied by 53341
the annual interest earned on the assets of the fund, to defray 53342
the expenses incurred in the administration of the fund. 53343

Sec. 4766.17. An air medical service organization licensed 53344
under this chapter that uses a rotorcraft or fixed wing air 53345
ambulance shall do both of the following: 53346

(A) Use at a minimum a physician who holds a current, valid 53347
license issued under Chapter 4731. of the Revised Code or 53348
registered nurse who holds a current, valid license issued under 53349
Chapter 4723. of the Revised Code, and a paramedic or one other 53350
person, designated by the medical director of the air medical 53351

service organization, who holds a current, valid certificate or 53352
license to practice a health care profession in this state; 53353

(B) Employ as a medical director an individual who holds a 53354
current, valid ~~certificate~~ license issued under Chapter 4731. of 53355
the Revised Code authorizing the practice of medicine and surgery 53356
or osteopathic medicine and surgery. 53357

Sec. 4768.09. (A) ~~Except within the first thirty days after~~ 53358
~~an appraiser is first added to the appraiser panel of an appraisal~~ 53359
~~management company, an~~ An appraisal management company shall not 53360
remove the appraiser from its appraiser panel or otherwise refuse 53361
to assign requests for real estate appraisal services to the 53362
appraiser without first doing both of the following: 53363

(1) Notifying the appraiser in writing of the reasons the 53364
appraiser is being removed from the appraiser panel or is refused 53365
assignment requests for appraisal services; 53366

(2) Providing the appraiser with an opportunity to respond to 53367
that notification, in writing, within ten business days after the 53368
appraisal management company sends the removal notification. 53369

(B) The notice described in division (A)(1) of this section 53370
shall be sent by a delivery system that delivers letters, 53371
packages, and other materials in its ordinary course of business 53372
with traceable delivery and signature receipt. An appraisal 53373
management company that sends such notice shall keep a copy of the 53374
notice for at least five years from the date the notice is sent to 53375
the appraiser. 53376

(C) Nothing in this section prohibits an appraisal management 53377
company from suspending an appraiser from receiving assignment 53378
requests during the period described in division (A)(2) of this 53379
section. 53380

Sec. 4773.01. As used in this chapter: 53381

(A) "General x-ray machine operator" means an individual who 53382
~~performs~~ operates ionizing radiation-generating equipment in order 53383
to perform standard, ~~diagnostic, radiologic~~ radiography 53384
procedures; whose performance of ~~radiologic~~ such procedures is 53385
limited to specific body sites; and who does not, to any 53386
significant degree, determine procedure positioning or the site or 53387
dosage of radiation to which a patient is exposed. 53388

(B) "Chiropractor" means an individual licensed under Chapter 53389
4734. of the Revised Code to practice chiropractic. 53390

(C) "Ionizing radiation" means any electromagnetic or 53391
particulate radiation that interacts with atoms to produce 53392
ionization in matter, including x-rays, gamma rays, alpha and beta 53393
particles, high speed electrons, neutrons, and other nuclear 53394
particles. 53395

(D) "Physician" means an individual ~~who holds a certificate~~ 53396
~~issued~~ authorized under Chapter 4731. of the Revised Code 53397
~~authorizing the individual~~ to practice medicine and surgery or 53398
osteopathic medicine and surgery. 53399

(E) "Podiatrist" means an individual ~~who holds a certificate~~ 53400
~~issued~~ authorized under Chapter 4731. of the Revised Code 53401
~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine 53402
and surgery. 53403

(F) "Nuclear medicine technologist" means an individual who 53404
prepares and administers radio-pharmaceuticals to human beings and 53405
conducts in vivo or in vitro detection and measurement of 53406
radioactivity for medical purposes. 53407

(G) "Radiation therapy technologist" means an individual who 53408
utilizes ionizing radiation-generating equipment, including 53409
therapy simulator radiation-generating equipment, for therapeutic 53410
purposes on human ~~subjects~~ beings. 53411

"Radiation therapy technologist" is the same as a radiation 53412

therapist. 53413

(H) "Radiographer" means an individual who ~~performs~~ operates 53414
ionizing radiation-generating equipment, administers contrast, and 53415
determines procedure positioning and the dosage of ionizing 53416
radiation in order to perform a comprehensive scope of diagnostic 53417
radiologic radiography procedures employing equipment that emits 53418
ionizing radiation, exposes radiographs, and performs other 53419
procedures that contribute significantly to determining the site 53420
or dosage of ionizing radiation to which a patient is exposed on 53421
human beings. 53422

(I) "Mechanotherapist" means an individual who holds a 53423
certificate issued under section 4731.15 of the Revised Code 53424
authorizing the individual to practice mechanotherapy. 53425

Sec. 4773.02. (A) Except as provided in division (B) of this 53426
section, no person shall practice or hold ~~himself~~ self out as a 53427
general x-ray machine operator, radiographer, radiation therapy 53428
technologist, or nuclear medicine technologist without a valid 53429
license issued under this chapter for ~~his~~ the person's area of 53430
practice. 53431

(B) Division (A) of this section does not apply to any of the 53432
following: 53433

(1) A physician, podiatrist, mechanotherapist, or 53434
chiropractor; 53435

(2) An individual licensed under Chapter 4715. of the Revised 53436
Code to practice dentistry, to practice as a dental hygienist, or 53437
to practice as a dental x-ray machine operator; 53438

(3) As specified in 42 C.F.R. 75, radiologic personnel 53439
employed by the federal government or serving in a branch of the 53440
armed forces of the United States; 53441

(4) Students engaging in any of the activities performed by 53442

basic x-ray machine operators, radiographers, radiation therapy 53443
technologists, and nuclear medicine technologists as an integral 53444
part of a program of study leading to receipt of a license issued 53445
under this chapter, ~~or Chapter 4715., 4731., or Chapter 4734.~~ of 53446
the Revised Code; ~~or a certificate issued under Chapter 4731. of~~ 53447
~~the Revised Code.~~ 53448

Sec. 4773.061. Subject to section 4773.06 of the Revised 53449
Code, a radiation therapy technologist or nuclear medicine 53450
technologist may perform computed tomography procedures if the 53451
technologist is certified in computed tomography by a national 53452
certifying organization approved by the director of health under 53453
section 4773.08 of the Revised Code. 53454

When performing computed tomography procedures, the radiation 53455
therapy technologist or nuclear medicine technologist shall act in 53456
accordance with rules adopted under section 4773.08 of the Revised 53457
Code. 53458

Sec. 4773.08. The director of health shall adopt rules to 53459
implement and administer this chapter. In adopting the rules, the 53460
director shall consider any recommendations made by the radiation 53461
advisory council created under section ~~3701.93~~ 3748.20 of the 53462
Revised Code. The rules shall be adopted in accordance with 53463
Chapter 119. of the Revised Code and shall not be less stringent 53464
than any applicable standards specified in 42 C.F.R. 75. The rules 53465
shall establish all of the following: 53466

(A) Standards for licensing general x-ray machine operators, 53467
radiographers, radiation therapy technologists, and nuclear 53468
medicine technologists; 53469

(B) Application, renewal, and reinstatement fees for licenses 53470
issued under this chapter that do not exceed the cost incurred in 53471
issuing, renewing, and reinstating the licenses; 53472

(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology;

(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology that do not exceed the cost incurred in accrediting the educational programs;

(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code;

(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;

(H) Standards for approving national certifying organizations that certify nuclear medicine technologists or radiation therapy technologists to perform computed tomography;

(I) Standards for performing computed tomography procedures;

(J) Any other rules necessary for the implementation or administration of this chapter.

Sec. 4774.02. (A)(1) Except as provided in division (B) of this section, no person shall practice as a radiologist assistant unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter.

(2) No person shall use the title "radiologist assistant" or otherwise hold the person out as a radiologist assistant, unless

the person holds a current, valid ~~certificate~~ license to practice 53503
as a radiologist assistant issued under this chapter. 53504

(B) Division (A)(1) of this section does not apply to either 53505
of the following: 53506

(1) A student participating in an advanced academic program 53507
that must be completed to receive a ~~certificate~~ license to 53508
practice as a radiologist assistant, as those programs are 53509
described in division (B)(3) of section 4774.03 of the Revised 53510
Code; 53511

(2) A person who is otherwise authorized to perform any of 53512
the activities that a radiologist assistant is authorized to 53513
perform, either pursuant to another provision of the Revised Code 53514
or pursuant to the rules adopted by the state medical board under 53515
section 4731.053 of the Revised Code governing physician 53516
delegation of medical tasks. 53517

Sec. 4774.03. (A) An individual seeking a ~~certificate~~ license 53518
to practice as a radiologist assistant shall file with the state 53519
medical board a written application on a form prescribed and 53520
supplied by the board. The application shall include all the 53521
information the board considers necessary to process the 53522
application, including evidence satisfactory to the board that the 53523
applicant meets the requirements specified in division (B) of this 53524
section. 53525

At the time an application is submitted, the applicant shall 53526
pay the board the application fee specified by the board in rules 53527
adopted under section 4774.11 of the Revised Code. No part of the 53528
fee shall be returned. 53529

(B) To be eligible to receive a ~~certificate~~ license to 53530
practice as a radiologist assistant, an applicant shall meet all 53531
of the following requirements: 53532

(1) Be at least eighteen years of age and of good moral character; 53533
53534

(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code; 53535
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(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship; 53537
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(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice; 53541
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(5) Hold current certification in advanced cardiac life support. 53548
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a certificate license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~ 53550
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Sec. 4774.031. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a ~~certificate~~ 53558
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license to practice as a radiologist assistant unless the board, 53563
in its discretion, decides that the results of the criminal 53564
records check do not make the applicant ineligible for a 53565
~~certificate~~ license issued pursuant to section 4774.04 of the 53566
Revised Code. 53567

Sec. 4774.04. If the state medical board determines under 53568
section 4774.03 of the Revised Code that an applicant meets the 53569
requirements for a ~~certificate~~ license to practice as a 53570
radiologist assistant, the secretary of the board shall register 53571
the applicant as a radiologist assistant and issue to the 53572
applicant a ~~certificate~~ license to practice as a radiologist 53573
assistant. The ~~certificate~~ license shall be valid for a two-year 53574
period unless revoked or suspended, shall expire biennially on the 53575
date that is two years after the date of issuance, and may be 53576
renewed for additional two-year periods in accordance with section 53577
4774.06 of the Revised Code. 53578

Sec. 4774.05. On application by the holder of a ~~certificate~~ 53579
license to practice as a radiologist assistant, the state medical 53580
board shall issue a duplicate ~~certificate~~ license to replace one 53581
that is missing or damaged, to reflect a name change, or for any 53582
other reasonable cause. The fee for a duplicate ~~certificate~~ 53583
license is thirty-five dollars. 53584

Sec. 4774.06. (A) An individual seeking to renew a 53585
~~certificate~~ license to practice as a radiologist assistant shall, 53586
on or before the ~~thirty-first day of January of each even-numbered~~ 53587
~~year~~ license's expiration date, apply to the state medical board 53588
for renewal ~~of the certificate.~~ The ~~state medical~~ board shall 53589
provide renewal notices to license holders at least one month 53590
prior to the expiration date. 53591

Renewal applications shall be submitted to the board in a 53592

manner prescribed by the board. Each application shall be 53593
accompanied by a biennial renewal fee specified by the board in 53594
rules adopted under section 4774.11 of the Revised Code. 53595

The applicant shall report any criminal offense that 53596
constitutes grounds for refusing to issue a ~~certificate~~ license 53597
under section 4774.13 of the Revised Code to which the applicant 53598
has pleaded guilty, of which the applicant has been found guilty, 53599
or for which the applicant has been found eligible for 53600
intervention in lieu of conviction, since last signing an 53601
application for a ~~certificate~~ license to practice as a radiologist 53602
assistant. 53603

(B) To be eligible for renewal, a radiologist assistant shall 53604
certify to the board that the assistant has maintained both of the 53605
following: 53606

(1) A license as a radiographer under Chapter 4773. of the 53607
Revised Code; 53608

(2) Certification as a registered radiologist assistant from 53609
the American registry of radiologic technologists by meeting the 53610
registry's requirements for annual registration, including 53611
completion of the continuing education requirements established by 53612
the registry. 53613

(C) If an applicant submits a renewal application that the 53614
board considers to be complete and qualifies for renewal pursuant 53615
to division (B) of this section, the board shall issue to the 53616
applicant a renewed ~~certificate~~ license to practice as a 53617
radiologist assistant. 53618

(D) A ~~certificate to practice~~ license that is not renewed on 53619
or before its expiration date is automatically suspended on its 53620
expiration date, subject to the provisions of section 119.06 of 53621
the Revised Code specifying that an applicant who appropriately 53622
files a renewal application is not required to discontinue 53623

practicing merely because the board has failed to act on the 53624
application. ~~If~~ 53625

If a ~~certificate~~ license has been suspended pursuant to this 53626
division for two years or less, the board shall reinstate the 53627
~~certificate~~ license upon an applicant's submission of a renewal 53628
application, the biennial renewal fee, and the applicable monetary 53629
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 53630

If a ~~certificate~~ license has been suspended pursuant to this 53631
division for more than two years, it may be restored. Subject to 53632
section 4774.061 of the Revised Code, the board may restore the 53633
license upon an applicant's submission of a restoration 53634
application, the biennial renewal fee, and the applicable monetary 53635
penalty and compliance with sections 4776.01 to 4776.04 of the 53636
Revised Code. The board shall not restore a ~~certificate~~ license 53637
unless the board, in its discretion, decides that the results of 53638
the criminal records check do not make the applicant ineligible 53639
for a certificate issued pursuant to section 4774.04 of the 53640
Revised Code. The penalty for restoration is fifty dollars. 53641

Sec. 4774.061. (A) This section applies to both of the 53642
following: 53643

(1) An applicant seeking restoration of a license issued 53644
under this chapter that has been in a suspended or inactive state 53645
for any cause for more than two years; 53646

(2) An applicant seeking issuance of a license pursuant to 53647
this chapter who for more than two years has not been practicing 53648
as a radiologist assistant as either of the following: 53649

(a) An active practitioner; 53650

(b) A student in an academic program as described in section 53651
4774.03 of the Revised Code. 53652

(B) Before issuing a license to an applicant subject to this 53653

section or restoring a license to good standing for an applicant 53654
subject to this section, the state medical board may impose terms 53655
and conditions including any one or more of the following: 53656

(1) Requiring the applicant to pass an oral or written 53657
examination, or both, to determine the applicant's present fitness 53658
to resume practice; 53659

(2) Requiring the applicant to obtain additional training and 53660
to pass an examination upon completion of such training; 53661

(3) Requiring an assessment of the applicant's physical 53662
skills for purposes of determining whether the applicant's 53663
coordination, fine motor skills, and dexterity are sufficient for 53664
performing evaluations and procedures in a manner that meets the 53665
minimal standards of care; 53666

(4) Requiring an assessment of the applicant's skills in 53667
recognizing and understanding diseases and conditions; 53668

(5) Requiring the applicant to undergo a comprehensive 53669
physical examination, which may include an assessment of physical 53670
abilities, evaluation of sensory capabilities, or screening for 53671
the presence of neurological disorders; 53672

(6) Restricting or limiting the extent, scope, or type of 53673
practice of the applicant. 53674

The board shall consider the moral background and the 53675
activities of the applicant during the period of suspension or 53676
inactivity. The board shall not issue or restore a license under 53677
this section unless the applicant complies with sections 4776.01 53678
to 4776.04 of the Revised Code. 53679

Sec. 4774.09. At all times when an individual who is a 53680
radiologist assistant is providing direct patient care, the 53681
individual shall display in an appropriate manner the title 53682
"radiologist assistant" as a means of identifying the individual's 53683

authority to practice under this chapter. 53684

In the case of an individual who is a student participating 53685
in an advanced academic program that must be completed to receive 53686
a ~~certificate~~ license to practice as a radiologist assistant, as 53687
those programs are described in division (B)(3) of section 4774.03 53688
of the Revised Code, when the individual is providing direct 53689
patient care or is otherwise involved with direct patient care 53690
under the program, the individual shall display in an appropriate 53691
manner the title "student radiologist assistant" or another 53692
appropriate designation as a means of identifying the individual 53693
as a student participating in the program. 53694

Sec. 4774.11. (A) The state medical board shall adopt rules 53695
in accordance with Chapter 119. of the Revised Code to implement 53696
and administer this chapter. In adopting the rules, the board 53697
shall take into consideration the guidelines adopted by the 53698
American college of radiology, the American society of radiologic 53699
technologists, and the American registry of radiologic 53700
technologists. 53701

(B) The rules adopted under this section shall include all of 53702
the following: 53703

(1) Standards and procedures for issuing and renewing 53704
~~certificates~~ licenses to practice as a radiologist assistant; 53705

(2) Application fees for an initial or renewed ~~certificate to~~ 53706
~~practice~~ license; 53707

(3) Any additional radiologic procedures that radiologist 53708
assistants may perform pursuant to division (A)(5) of section 53709
4774.08 of the Revised Code and the level of supervision that the 53710
supervising radiologist is required to provide pursuant to section 53711
4774.10 of the Revised Code; 53712

(4) Definitions of "general anesthesia," "deep sedation," 53713

"moderate sedation," and "minimal sedation"; 53714

(5) Any other standards and procedures the board considers 53715
necessary to govern the practice of radiologist assistants, the 53716
supervisory relationship between radiologist assistants and 53717
supervising radiologists, and the administration and enforcement 53718
of this chapter. 53719

Sec. 4774.13. (A) The state medical board, by an affirmative 53720
vote of not fewer than six members, may revoke or may refuse to 53721
grant a ~~certificate~~ license to practice as a radiologist assistant 53722
to an individual found by the board to have committed fraud, 53723
misrepresentation, or deception in applying for or securing the 53724
~~certificate~~ license. 53725

(B) The board, by an affirmative vote of not fewer than six 53726
members, shall, to the extent permitted by law, limit, revoke, or 53727
suspend an individual's ~~certificate~~ license to practice as a 53728
radiologist assistant, refuse to issue a ~~certificate~~ license to an 53729
applicant, refuse to renew a ~~certificate~~ license, refuse to 53730
reinstate a ~~certificate~~ license, or reprimand or place on 53731
probation the holder of a ~~certificate~~ license for any of the 53732
following reasons: 53733

(1) Permitting the holder's name or ~~certificate~~ license to be 53734
used by another person; 53735

(2) Failure to comply with the requirements of this chapter, 53736
Chapter 4731. of the Revised Code, or any rules adopted by the 53737
board; 53738

(3) Violating or attempting to violate, directly or 53739
indirectly, or assisting in or abetting the violation of, or 53740
conspiring to violate, any provision of this chapter, Chapter 53741
4731. of the Revised Code, or the rules adopted by the board; 53742

(4) A departure from, or failure to conform to, minimal 53743

standards of care of similar practitioners under the same or 53744
similar circumstances whether or not actual injury to the patient 53745
is established; 53746

(5) Inability to practice according to acceptable and 53747
prevailing standards of care by reason of mental illness or 53748
physical illness, including physical deterioration that adversely 53749
affects cognitive, motor, or perceptive skills; 53750

(6) Impairment of ability to practice according to acceptable 53751
and prevailing standards of care because of habitual or excessive 53752
use or abuse of drugs, alcohol, or other substances that impair 53753
ability to practice; 53754

(7) Willfully betraying a professional confidence; 53755

(8) Making a false, fraudulent, deceptive, or misleading 53756
statement in securing or attempting to secure a ~~certificate~~ 53757
license to practice as a radiologist assistant. 53758

As used in this division, "false, fraudulent, deceptive, or 53759
misleading statement" means a statement that includes a 53760
misrepresentation of fact, is likely to mislead or deceive because 53761
of a failure to disclose material facts, is intended or is likely 53762
to create false or unjustified expectations of favorable results, 53763
or includes representations or implications that in reasonable 53764
probability will cause an ordinarily prudent person to 53765
misunderstand or be deceived. 53766

(9) The obtaining of, or attempting to obtain, money or a 53767
thing of value by fraudulent misrepresentations in the course of 53768
practice; 53769

(10) A plea of guilty to, a judicial finding of guilt of, or 53770
a judicial finding of eligibility for intervention in lieu of 53771
conviction for, a felony; 53772

(11) Commission of an act that constitutes a felony in this 53773

state, regardless of the jurisdiction in which the act was committed;	53774 53775
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	53776 53777 53778
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	53779 53780 53781
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	53782 53783 53784
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	53785 53786 53787
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	53788 53789 53790 53791 53792
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	53793 53794 53795 53796 53797 53798 53799 53800
(18) Violation of the conditions placed by the board on a certificate <u>license</u> to practice as a radiologist assistant;	53801 53802
(19) Failure to use universal blood and body fluid	53803

precautions established by rules adopted under section 4731.051 of 53804
the Revised Code; 53805

(20) Failure to cooperate in an investigation conducted by 53806
the board under section 4774.14 of the Revised Code, including 53807
failure to comply with a subpoena or order issued by the board or 53808
failure to answer truthfully a question presented by the board at 53809
a deposition or in written interrogatories, except that failure to 53810
cooperate with an investigation shall not constitute grounds for 53811
discipline under this section if a court of competent jurisdiction 53812
has issued an order that either quashes a subpoena or permits the 53813
individual to withhold the testimony or evidence in issue; 53814

(21) Failure to maintain a license as a radiographer under 53815
Chapter 4773. of the Revised Code; 53816

(22) Failure to maintain certification as a registered 53817
radiologist assistant from the American registry of radiologic 53818
technologists, including revocation by the registry of the 53819
assistant's certification or failure by the assistant to meet the 53820
registry's requirements for annual registration, or failure to 53821
notify the board that the certification as a registered 53822
radiologist assistant has not been maintained; 53823

(23) Failure to comply with any of the rules of ethics 53824
included in the standards of ethics established by the American 53825
registry of radiologic technologists, as those rules apply to an 53826
individual who holds the registry's certification as a registered 53827
radiologist assistant. 53828

(C) Disciplinary actions taken by the board under divisions 53829
(A) and (B) of this section shall be taken pursuant to an 53830
adjudication under Chapter 119. of the Revised Code, except that 53831
in lieu of an adjudication, the board may enter into a consent 53832
agreement with a radiologist assistant or applicant to resolve an 53833
allegation of a violation of this chapter or any rule adopted 53834

under it. A consent agreement, when ratified by an affirmative 53835
vote of not fewer than six members of the board, shall constitute 53836
the findings and order of the board with respect to the matter 53837
addressed in the agreement. If the board refuses to ratify a 53838
consent agreement, the admissions and findings contained in the 53839
consent agreement shall be of no force or effect. 53840

(D) For purposes of divisions (B)(11), (14), and (15) of this 53841
section, the commission of the act may be established by a finding 53842
by the board, pursuant to an adjudication under Chapter 119. of 53843
the Revised Code, that the applicant or ~~certificate~~ license holder 53844
committed the act in question. The board shall have no 53845
jurisdiction under these divisions in cases where the trial court 53846
renders a final judgment in the ~~certificate~~ license holder's favor 53847
and that judgment is based upon an adjudication on the merits. The 53848
board shall have jurisdiction under these divisions in cases where 53849
the trial court issues an order of dismissal on technical or 53850
procedural grounds. 53851

(E) The sealing of conviction records by any court shall have 53852
no effect on a prior board order entered under the provisions of 53853
this section or on the board's jurisdiction to take action under 53854
the provisions of this section if, based upon a plea of guilty, a 53855
judicial finding of guilt, or a judicial finding of eligibility 53856
for intervention in lieu of conviction, the board issued a notice 53857
of opportunity for a hearing prior to the court's order to seal 53858
the records. The board shall not be required to seal, destroy, 53859
redact, or otherwise modify its records to reflect the court's 53860
sealing of conviction records. 53861

(F) For purposes of this division, any individual who holds a 53862
~~certificate~~ license to practice as a radiologist assistant issued 53863
under this chapter, or applies for a ~~certificate to practice~~ 53864
license, shall be deemed to have given consent to submit to a 53865
mental or physical examination when directed to do so in writing 53866

by the board and to have waived all objections to the 53867
admissibility of testimony or examination reports that constitute 53868
a privileged communication. 53869

(1) In enforcing division (B)(5) of this section, the board, 53870
on a showing of a possible violation, may compel any individual 53871
who holds a ~~certificate~~ license to practice as a radiologist 53872
assistant issued under this chapter or who has applied for a 53873
~~certificate to practice~~ license to submit to a mental or physical 53874
examination, or both. A physical examination may include an HIV 53875
test. The expense of the examination is the responsibility of the 53876
individual compelled to be examined. Failure to submit to a mental 53877
or physical examination or consent to an HIV test ordered by the 53878
board constitutes an admission of the allegations against the 53879
individual unless the failure is due to circumstances beyond the 53880
individual's control, and a default and final order may be entered 53881
without the taking of testimony or presentation of evidence. If 53882
the board finds a radiologist assistant unable to practice because 53883
of the reasons set forth in division (B)(5) of this section, the 53884
board shall require the radiologist assistant to submit to care, 53885
counseling, or treatment by physicians approved or designated by 53886
the board, as a condition for an initial, continued, reinstated, 53887
or renewed ~~certificate to practice~~ license. An individual affected 53888
by this division shall be afforded an opportunity to demonstrate 53889
to the board the ability to resume practicing in compliance with 53890
acceptable and prevailing standards of care. 53891

(2) For purposes of division (B)(6) of this section, if the 53892
board has reason to believe that any individual who holds a 53893
~~certificate~~ license to practice as a radiologist assistant issued 53894
under this chapter or any applicant for a ~~certificate to practice~~ 53895
license suffers such impairment, the board may compel the 53896
individual to submit to a mental or physical examination, or both. 53897
The expense of the examination is the responsibility of the 53898

individual compelled to be examined. Any mental or physical 53899
examination required under this division shall be undertaken by a 53900
treatment provider or physician qualified to conduct such 53901
examination and chosen by the board. 53902

Failure to submit to a mental or physical examination ordered 53903
by the board constitutes an admission of the allegations against 53904
the individual unless the failure is due to circumstances beyond 53905
the individual's control, and a default and final order may be 53906
entered without the taking of testimony or presentation of 53907
evidence. If the board determines that the individual's ability to 53908
practice is impaired, the board shall suspend the individual's 53909
~~certificate~~ license or deny the individual's application and shall 53910
require the individual, as a condition for an initial, continued, 53911
reinstated, or renewed ~~certificate~~ license to practice, to submit 53912
to treatment. 53913

Before being eligible to apply for reinstatement of a 53914
~~certificate~~ license suspended under this division, the radiologist 53915
assistant shall demonstrate to the board the ability to resume 53916
practice in compliance with acceptable and prevailing standards of 53917
care. The demonstration shall include the following: 53918

(a) Certification from a treatment provider approved under 53919
section 4731.25 of the Revised Code that the individual has 53920
successfully completed any required inpatient treatment; 53921

(b) Evidence of continuing full compliance with an aftercare 53922
contract or consent agreement; 53923

(c) Two written reports indicating that the individual's 53924
ability to practice has been assessed and that the individual has 53925
been found capable of practicing according to acceptable and 53926
prevailing standards of care. The reports shall be made by 53927
individuals or providers approved by the board for making such 53928
assessments and shall describe the basis for their determination. 53929

The board may reinstate a ~~certificate~~ license suspended under 53930
this division after such demonstration and after the individual 53931
has entered into a written consent agreement. 53932

When the impaired radiologist assistant resumes practice, the 53933
board shall require continued monitoring of the radiologist 53934
assistant. The monitoring shall include monitoring of compliance 53935
with the written consent agreement entered into before 53936
reinstatement or with conditions imposed by board order after a 53937
hearing, and, on termination of the consent agreement, submission 53938
to the board for at least two years of annual written progress 53939
reports made under penalty of falsification stating whether the 53940
radiologist assistant has maintained sobriety. 53941

(G) If the secretary and supervising member determine that 53942
there is clear and convincing evidence that a radiologist 53943
assistant has violated division (B) of this section and that the 53944
individual's continued practice presents a danger of immediate and 53945
serious harm to the public, they may recommend that the board 53946
suspend the individual's ~~certificate~~ license to practice without a 53947
prior hearing. Written allegations shall be prepared for 53948
consideration by the board. 53949

The board, on review of the allegations and by an affirmative 53950
vote of not fewer than six of its members, excluding the secretary 53951
and supervising member, may suspend a ~~certificate~~ license without 53952
a prior hearing. A telephone conference call may be utilized for 53953
reviewing the allegations and taking the vote on the summary 53954
suspension. 53955

The board shall issue a written order of suspension by 53956
certified mail or in person in accordance with section 119.07 of 53957
the Revised Code. The order shall not be subject to suspension by 53958
the court during pendency of any appeal filed under section 119.12 53959
of the Revised Code. If the radiologist assistant requests an 53960
adjudicatory hearing by the board, the date set for the hearing 53961

shall be within fifteen days, but not earlier than seven days, 53962
after the radiologist assistant requests the hearing, unless 53963
otherwise agreed to by both the board and the ~~certificate~~ license 53964
holder. 53965

A summary suspension imposed under this division shall remain 53966
in effect, unless reversed on appeal, until a final adjudicative 53967
order issued by the board pursuant to this section and Chapter 53968
119. of the Revised Code becomes effective. The board shall issue 53969
its final adjudicative order within sixty days after completion of 53970
its hearing. Failure to issue the order within sixty days shall 53971
result in dissolution of the summary suspension order, but shall 53972
not invalidate any subsequent, final adjudicative order. 53973

(H) If the board takes action under division (B)(10), (12), 53974
or (13) of this section, and the judicial finding of guilt, guilty 53975
plea, or judicial finding of eligibility for intervention in lieu 53976
of conviction is overturned on appeal, on exhaustion of the 53977
criminal appeal, a petition for reconsideration of the order may 53978
be filed with the board along with appropriate court documents. On 53979
receipt of a petition and supporting court documents, the board 53980
shall reinstate the ~~certificate~~ license to practice as a 53981
radiologist assistant. The board may then hold an adjudication 53982
under Chapter 119. of the Revised Code to determine whether the 53983
individual committed the act in question. Notice of opportunity 53984
for hearing shall be given in accordance with Chapter 119. of the 53985
Revised Code. If the board finds, pursuant to an adjudication held 53986
under this division, that the individual committed the act, or if 53987
no hearing is requested, it may order any of the sanctions 53988
specified in division (B) of this section. 53989

(I) The ~~certificate~~ license to practice of a radiologist 53990
assistant and the assistant's practice in this state are 53991
automatically suspended as of the date the radiologist assistant 53992
pleads guilty to, is found by a judge or jury to be guilty of, or 53993

is subject to a judicial finding of eligibility for intervention 53994
in lieu of conviction in this state or treatment of intervention 53995
in lieu of conviction in another jurisdiction for any of the 53996
following criminal offenses in this state or a substantially 53997
equivalent criminal offense in another jurisdiction: aggravated 53998
murder, murder, voluntary manslaughter, felonious assault, 53999
kidnapping, rape, sexual battery, gross sexual imposition, 54000
aggravated arson, aggravated robbery, or aggravated burglary. 54001
Continued practice after the suspension shall be considered 54002
practicing without a ~~certificate~~ license. 54003

The board shall notify the individual subject to the 54004
suspension by certified mail or in person in accordance with 54005
section 119.07 of the Revised Code. If an individual whose 54006
~~certificate~~ license is suspended under this division fails to make 54007
a timely request for an adjudication under Chapter 119. of the 54008
Revised Code, the board shall enter a final order permanently 54009
revoking the individual's ~~certificate to practice~~ license. 54010

(J) In any instance in which the board is required by Chapter 54011
119. of the Revised Code to give notice of opportunity for hearing 54012
and the individual subject to the notice does not timely request a 54013
hearing in accordance with section 119.07 of the Revised Code, the 54014
board is not required to hold a hearing, but may adopt, by an 54015
affirmative vote of not fewer than six of its members, a final 54016
order that contains the board's findings. In the final order, the 54017
board may order any of the sanctions identified under division (A) 54018
or (B) of this section. 54019

(K) Any action taken by the board under division (B) of this 54020
section resulting in a suspension shall be accompanied by a 54021
written statement of the conditions under which the radiologist 54022
assistant's ~~certificate~~ license may be reinstated. The board shall 54023
adopt rules in accordance with Chapter 119. of the Revised Code 54024
governing conditions to be imposed for reinstatement. 54025

Reinstatement of a ~~certificate~~ license suspended pursuant to 54026
division (B) of this section requires an affirmative vote of not 54027
fewer than six members of the board. 54028

(L) When the board refuses to grant or issue a ~~certificate~~ 54029
license to practice as a radiologist assistant to an applicant, 54030
revokes an individual's ~~certificate~~ license, refuses to renew an 54031
individual's ~~certificate~~ license, or refuses to reinstate an 54032
individual's ~~certificate~~ license, the board may specify that its 54033
action is permanent. An individual subject to a permanent action 54034
taken by the board is forever thereafter ineligible to hold a 54035
~~certificate~~ license to practice as a radiologist assistant and the 54036
board shall not accept an application for reinstatement of the 54037
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 54038

(M) Notwithstanding any other provision of the Revised Code, 54039
all of the following apply: 54040

(1) The surrender of a ~~certificate~~ license to practice as a 54041
radiologist assistant issued under this chapter is not effective 54042
unless or until accepted by the board. Reinstatement of a 54043
~~certificate~~ license surrendered to the board requires an 54044
affirmative vote of not fewer than six members of the board. 54045

(2) An application made under this chapter for a ~~certificate~~ 54046
license to practice may not be withdrawn without approval of the 54047
board. 54048

(3) Failure by an individual to renew a ~~certificate~~ license 54049
to practice in accordance with section 4774.06 of the Revised Code 54050
shall not remove or limit the board's jurisdiction to take 54051
disciplinary action under this section against the individual. 54052

Sec. 4774.131. On receipt of a notice pursuant to section 54053
3123.43 of the Revised Code, the state medical board shall comply 54054
with sections 3123.41 to 3123.50 of the Revised Code and any 54055

applicable rules adopted under section 3123.63 of the Revised Code 54056
with respect to a ~~certificate~~ license to practice as a radiologist 54057
assistant issued under this chapter. 54058

Sec. 4774.132. If the state medical board has reason to 54059
believe that any person who has been granted a ~~certificate~~ license 54060
to practice as a radiologist assistant under this chapter is 54061
mentally ill or mentally incompetent, it may file in the probate 54062
court of the county in which the person has a legal residence an 54063
affidavit in the form prescribed in section 5122.11 of the Revised 54064
Code and signed by the board secretary or a member of the board 54065
secretary's staff, whereupon the same proceedings shall be had as 54066
provided in Chapter 5122. of the Revised Code. The attorney 54067
general may represent the board in any proceeding commenced under 54068
this section. 54069

If any person who has been granted a ~~certificate to practice~~ 54070
license is adjudged by a probate court to be mentally ill or 54071
mentally incompetent, the person's ~~certificate~~ license shall be 54072
automatically suspended until the person has filed with the state 54073
medical board a certified copy of an adjudication by a probate 54074
court of the person's subsequent restoration to competency or has 54075
submitted to the board proof, satisfactory to the board, that the 54076
person has been discharged as having a restoration to competency 54077
in the manner and form provided in section 5122.38 of the Revised 54078
Code. The judge of the probate court shall forthwith notify the 54079
state medical board of an adjudication of mental illness or mental 54080
incompetence, and shall note any suspension of a ~~certificate~~ 54081
license in the margin of the court's record of such ~~certificate~~ 54082
license. 54083

Sec. 4774.14. (A) The state medical board shall investigate 54084
evidence that appears to show that any person has violated this 54085
chapter or the rules adopted under it. Any person may report to 54086

the board in a signed writing any information the person has that 54087
appears to show a violation of any provision of this chapter or 54088
the rules adopted under it. In the absence of bad faith, a person 54089
who reports such information or testifies before the board in an 54090
adjudication conducted under Chapter 119. of the Revised Code 54091
shall not be liable for civil damages as a result of reporting the 54092
information or providing testimony. Each complaint or allegation 54093
of a violation received by the board shall be assigned a case 54094
number and be recorded by the board. 54095

(B) Investigations of alleged violations of this chapter or 54096
rules adopted under it shall be supervised by the supervising 54097
member elected by the board in accordance with section 4731.02 of 54098
the Revised Code and by the secretary as provided in section 54099
4774.17 of the Revised Code. The board's president may designate 54100
another member of the board to supervise the investigation in 54101
place of the supervising member. A member of the board who 54102
supervises the investigation of a case shall not participate in 54103
further adjudication of the case. 54104

(C) In investigating a possible violation of this chapter or 54105
the rules adopted under it, the board may administer oaths, order 54106
the taking of depositions, issue subpoenas, and compel the 54107
attendance of witnesses and production of books, accounts, papers, 54108
records, documents, and testimony, except that a subpoena for 54109
patient record information shall not be issued without 54110
consultation with the attorney general's office and approval of 54111
the secretary and supervising member of the board. Before issuance 54112
of a subpoena for patient record information, the secretary and 54113
supervising member shall determine whether there is probable cause 54114
to believe that the complaint filed alleges a violation of this 54115
chapter or the rules adopted under it and that the records sought 54116
are relevant to the alleged violation and material to the 54117
investigation. The subpoena may apply only to records that cover a 54118

reasonable period of time surrounding the alleged violation. 54119

On failure to comply with any subpoena issued by the board 54120
and after reasonable notice to the person being subpoenaed, the 54121
board may move for an order compelling the production of persons 54122
or records pursuant to the Rules of Civil Procedure. 54123

A subpoena issued by the board may be served by a sheriff, 54124
the sheriff's deputy, or a board employee designated by the board. 54125
Service of a subpoena issued by the board may be made by 54126
delivering a copy of the subpoena to the person named therein, 54127
reading it to the person, or leaving it at the person's usual 54128
place of residence. When the person being served is a radiologist 54129
assistant, service of the subpoena may be made by certified mail, 54130
restricted delivery, return receipt requested, and the subpoena 54131
shall be deemed served on the date delivery is made or the date 54132
the person refuses to accept delivery. 54133

A sheriff's deputy who serves a subpoena shall receive the 54134
same fees as a sheriff. Each witness who appears before the board 54135
in obedience to a subpoena shall receive the fees and mileage 54136
provided for witnesses in civil cases in the courts of common 54137
pleas. 54138

(D) All hearings and investigations of the board shall be 54139
considered civil actions for the purposes of section 2305.252 of 54140
the Revised Code. 54141

(E) Information received by the board pursuant to an 54142
investigation is confidential and not subject to discovery in any 54143
civil action. 54144

The board shall conduct all investigations and proceedings in 54145
a manner that protects the confidentiality of patients and persons 54146
who file complaints with the board. The board shall not make 54147
public the names or any other identifying information about 54148
patients or complainants unless proper consent is given. 54149

The board may share any information it receives pursuant to 54150
an investigation, including patient records and patient record 54151
information, with law enforcement agencies, other licensing 54152
boards, and other governmental agencies that are prosecuting, 54153
adjudicating, or investigating alleged violations of statutes or 54154
administrative rules. An agency or board that receives the 54155
information shall comply with the same requirements regarding 54156
confidentiality as those with which the state medical board must 54157
comply, notwithstanding any conflicting provision of the Revised 54158
Code or procedure of the agency or board that applies when it is 54159
dealing with other information in its possession. In a judicial 54160
proceeding, the information may be admitted into evidence only in 54161
accordance with the Rules of Evidence, but the court shall require 54162
that appropriate measures are taken to ensure that confidentiality 54163
is maintained with respect to any part of the information that 54164
contains names or other identifying information about patients or 54165
complainants whose confidentiality was protected by the state 54166
medical board when the information was in the board's possession. 54167
Measures to ensure confidentiality that may be taken by the court 54168
include sealing its records or deleting specific information from 54169
its records. 54170

(F) The state medical board shall develop requirements for 54171
and provide appropriate initial training and continuing education 54172
for investigators employed by the board to carry out its duties 54173
under this chapter. The training and continuing education may 54174
include enrollment in courses operated or approved by the Ohio 54175
peace officer training commission that the board considers 54176
appropriate under conditions set forth in section 109.79 of the 54177
Revised Code. 54178

(G) On a quarterly basis, the board shall prepare a report 54179
that documents the disposition of all cases during the preceding 54180
three months. The report shall contain the following information 54181

for each case with which the board has completed its activities:	54182
(1) The case number assigned to the complaint or alleged violation;	54183 54184
(2) The type of certificate <u>license</u> , if any, held by the individual against whom the complaint is directed;	54185 54186
(3) A description of the allegations contained in the complaint;	54187 54188
(4) The disposition of the case.	54189
The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.	54190 54191 54192 54193
Sec. 4774.15. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	54194 54195
(B) Whenever any person holding a valid certificate <u>license</u> to practice as a radiologist assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the certificate <u>license</u> under section 4774.13 of the Revised Code.	54196 54197 54198 54199 54200 54201 54202 54203 54204 54205 54206 54207 54208 54209
(C) The prosecutor in any case against any person holding a valid certificate to practice <u>license</u> issued under this chapter,	54210 54211

on forms prescribed and provided by the state medical board, shall 54212
notify the board of any of the following: 54213

(1) A plea of guilty to, a finding of guilt by a jury or 54214
court of, or judicial finding of eligibility for intervention in 54215
lieu of conviction for a felony, or a case in which the trial 54216
court issues an order of dismissal upon technical or procedural 54217
grounds of a felony charge; 54218

(2) A plea of guilty to, a finding of guilt by a jury or 54219
court of, or judicial finding of eligibility for intervention in 54220
lieu of conviction for a misdemeanor committed in the course of 54221
practice, or a case in which the trial court issues an order of 54222
dismissal upon technical or procedural grounds of a charge of a 54223
misdemeanor, if the alleged act was committed in the course of 54224
practice; 54225

(3) A plea of guilty to, a finding of guilt by a jury or 54226
court of, or judicial finding of eligibility for intervention in 54227
lieu of conviction for a misdemeanor involving moral turpitude, or 54228
a case in which the trial court issues an order of dismissal upon 54229
technical or procedural grounds of a charge of a misdemeanor 54230
involving moral turpitude. 54231

The report shall include the name and address of the 54232
~~certificate~~ license holder, the nature of the offense for which 54233
the action was taken, and the certified court documents recording 54234
the action. 54235

Sec. 4774.16. (A) Within sixty days after the imposition of 54236
any formal disciplinary action taken by any health care facility, 54237
including a hospital, health care facility operated by a health 54238
insuring corporation, ambulatory surgical facility, or similar 54239
facility, against any individual holding a valid ~~certificate~~ 54240
license to practice as a radiologist assistant, the chief 54241
administrator or executive officer of the facility shall report to 54242

the state medical board the name of the individual, the action 54243
taken by the facility, and a summary of the underlying facts 54244
leading to the action taken. On request, the board shall be 54245
provided certified copies of the patient records that were the 54246
basis for the facility's action. Prior to release to the board, 54247
the summary shall be approved by the peer review committee that 54248
reviewed the case or by the governing board of the facility. 54249

The filing of a report with the board or decision not to file 54250
a report, investigation by the board, or any disciplinary action 54251
taken by the board, does not preclude a health care facility from 54252
taking disciplinary action against a radiologist assistant. 54253

In the absence of fraud or bad faith, no individual or entity 54254
that provides patient records to the board shall be liable in 54255
damages to any person as a result of providing the records. 54256

(B)(1) Except as provided in division (B)(2) of this section, 54257
a radiologist assistant, professional association or society of 54258
radiologist assistants, physician, or professional association or 54259
society of physicians that believes a violation of any provision 54260
of this chapter, Chapter 4731. of the Revised Code, or rule of the 54261
board has occurred shall report to the board the information on 54262
which the belief is based. 54263

(2) A radiologist assistant, professional association or 54264
society of radiologist assistants, physician, or professional 54265
association or society of physicians that believes a violation of 54266
division (B)(6) of section 4774.13 of the Revised Code has 54267
occurred shall report the information upon which the belief is 54268
based to the monitoring organization conducting the program 54269
established by the board under section 4731.251 of the Revised 54270
Code. If any such report is made to the board, it shall be 54271
referred to the monitoring organization unless the board is aware 54272
that the individual who is the subject of the report does not meet 54273

the program eligibility requirements of section 4731.252 of the Revised Code. 54274
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(C) Any professional association or society composed primarily of radiologist assistants that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken. 54276
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The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against a radiologist assistant. 54285
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(D) Any insurer providing professional liability insurance to any person holding a valid ~~certificate~~ license to practice as a radiologist assistant or any other entity that seeks to indemnify the professional liability of a radiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information: 54289
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(1) The name and address of the person submitting the notification; 54297
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(2) The name and address of the insured who is the subject of the claim; 54299
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(3) The name of the person filing the written claim; 54301

(4) The date of final disposition; 54302

(5) If applicable, the identity of the court in which the 54303

final disposition of the claim took place. 54304

(E) The board may investigate possible violations of this 54305
chapter or the rules adopted under it that are brought to its 54306
attention as a result of the reporting requirements of this 54307
section, except that the board shall conduct an investigation if a 54308
possible violation involves repeated malpractice. As used in this 54309
division, "repeated malpractice" means three or more claims for 54310
malpractice within the previous five-year period, each resulting 54311
in a judgment or settlement in excess of twenty-five thousand 54312
dollars in favor of the claimant, and each involving negligent 54313
conduct by the radiologist assistant. 54314

(F) All summaries, reports, and records received and 54315
maintained by the board pursuant to this section shall be held in 54316
confidence and shall not be subject to discovery or introduction 54317
in evidence in any federal or state civil action involving a 54318
radiologist assistant, supervising physician, or health care 54319
facility arising out of matters that are the subject of the 54320
reporting required by this section. The board may use the 54321
information obtained only as the basis for an investigation, as 54322
evidence in a disciplinary hearing against a radiologist assistant 54323
or supervising radiologist, or in any subsequent trial or appeal 54324
of a board action or order. 54325

The board may disclose the summaries and reports it receives 54326
under this section only to health care facility committees within 54327
or outside this state that are involved in credentialing or 54328
recredentialing a radiologist assistant or supervising radiologist 54329
or reviewing their privilege to practice within a particular 54330
facility. The board shall indicate whether or not the information 54331
has been verified. Information transmitted by the board shall be 54332
subject to the same confidentiality provisions as when maintained 54333
by the board. 54334

(G) Except for reports filed by an individual pursuant to 54335

division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the radiologist assistant. The radiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board, reports to the monitoring organization described in section 4731.251 of the Revised Code, or refers an impaired radiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of radiologist assistants that sponsors a committee or program to provide peer assistance to a radiologist assistant with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section 4731.251 of the Revised Code, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer a radiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4774.18. The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a radiologist assistant without having first obtained under this chapter a ~~certificate~~ license to practice as a radiologist assistant, may, in accordance with provisions of the

Revised Code governing injunctions, maintain an action in the name 54367
of the state to enjoin any person from engaging either directly or 54368
by complicity in unlawfully practicing as a radiologist assistant 54369
by applying for an injunction in any court of competent 54370
jurisdiction. 54371

Prior to application for an injunction, the secretary of the 54372
state medical board shall notify the person allegedly engaged 54373
either directly or by complicity in the unlawful practice by 54374
registered mail that the secretary has received information 54375
indicating that this person is so engaged. The person shall answer 54376
the secretary within thirty days showing that the person is either 54377
properly licensed for the stated activity or that the person is 54378
not in violation of this chapter. If the answer is not forthcoming 54379
within thirty days after notice by the secretary, the secretary 54380
shall request that the attorney general, the prosecuting attorney 54381
of the county in which the offense was committed or the offender 54382
resides, or the state medical board proceed as authorized in this 54383
section. 54384

Upon the filing of a verified petition in court, the court 54385
shall conduct a hearing on the petition and shall give the same 54386
preference to this proceeding as is given all proceedings under 54387
Chapter 119. of the Revised Code, irrespective of the position of 54388
the proceeding on the calendar of the court. 54389

Injunction proceedings shall be in addition to, and not in 54390
lieu of, all penalties and other remedies provided in this 54391
chapter. 54392

Sec. 4776.01. As used in this chapter: 54393

(A) "License" means an authorization evidenced by a license, 54394
certificate, registration, permit, card, or other authority that 54395
is issued or conferred by a licensing agency to a licensee or to 54396
an applicant for an initial license by which the licensee or 54397

initial license applicant has or claims the privilege to engage in 54398
a profession, occupation, or occupational activity, or, except in 54399
the case of the state dental board, to have control of and operate 54400
certain specific equipment, machinery, or premises, over which the 54401
licensing agency has jurisdiction. 54402

(B) Except as provided in section 4776.20 of the Revised 54403
Code, "licensee" means the person to whom the license is issued by 54404
a licensing agency. "Licensee" includes a person who, for purposes 54405
of section 3796.13 of the Revised Code, has complied with sections 54406
4776.01 to 4776.04 of the Revised Code and has been determined by 54407
the department of commerce or state board of pharmacy, as the 54408
applicable licensing agency, to meet the requirements for 54409
employment. 54410

(C) Except as provided in section 4776.20 of the Revised 54411
Code, "licensing agency" means any of the following: 54412

(1) The board authorized by Chapters 4701., 4717., 4725., 54413
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 54414
4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 54415
4783. of the Revised Code to issue a license to engage in a 54416
specific profession, occupation, or occupational activity, or to 54417
have charge of and operate certain specific equipment, machinery, 54418
or premises. 54419

(2) The state dental board, relative to its authority to 54420
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 54421
4715.27 of the Revised Code; 54422

(3) The department of commerce or state board of pharmacy, 54423
relative to its authority under Chapter 3796. of the Revised Code 54424
and any rules adopted under that chapter with respect to a person 54425
who is subject to section 3796.13 of the Revised Code. 54426

(D) "Applicant for an initial license" includes persons 54427
seeking a license for the first time and persons seeking a license 54428

by reciprocity, endorsement, or similar manner of a license issued 54429
in another state. "Applicant for an initial license" also includes 54430
a person who, for purposes of section 3796.13 of the Revised Code, 54431
is required to comply with sections 4776.01 to 4776.04 of the 54432
Revised Code. 54433

(E) "Applicant for a restored license" includes persons 54434
seeking restoration of a license under section 4730.14, 4730.28, 54435
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 54436
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 54437
or 4778.071 of the Revised Code. 54438

(F) "Criminal records check" has the same meaning as in 54439
section 109.572 of the Revised Code. 54440

Sec. 4778.03. (A) An individual seeking a license to practice 54441
as a genetic counselor shall file with the state medical board an 54442
application in a manner prescribed by the board. The application 54443
shall include all the information the board considers necessary to 54444
process the application, including evidence satisfactory to the 54445
board that the applicant meets the requirements specified in 54446
division (B) of this section. 54447

At the time an application is submitted, the applicant shall 54448
pay the board an application fee of two hundred dollars. No part 54449
of the fee shall be returned to the applicant or transferred for 54450
purposes of another application. 54451

(B)(1) To be eligible to receive a license to practice as a 54452
genetic counselor, an applicant shall demonstrate to the board 54453
that the applicant meets all of the following requirements: 54454

(a) Is at least eighteen years of age and of good moral 54455
character; 54456

(b) Except as provided in division (B)(2) of this section, 54457
has attained a master's degree or higher degree from a genetic 54458

counseling graduate program accredited by the American board of 54459
genetic counseling, inc.; 54460

(c) Is a certified genetic counselor; 54461

(d) Has satisfied any other requirements established by the 54462
board in rules adopted under section 4778.12 of the Revised Code. 54463

(2) In the case of an applicant who files an application not 54464
later than December 31, 2013, and meets all eligibility 54465
requirements other than the requirement specified in division 54466
(B)(1)(b) of this section, the applicant is eligible for a license 54467
to practice as a genetic counselor if the applicant has attained a 54468
master's or higher degree in education or in a field that the 54469
state medical board considers to be closely related to genetic 54470
counseling. 54471

(C) The board shall review all applications received under 54472
this section. Not later than sixty days after receiving an 54473
application it considers complete, the board shall determine 54474
whether the applicant meets the requirements for a license to 54475
practice as a genetic counselor. ~~The affirmative vote of not fewer 54476
than six members of the board is required to determine that the 54477
applicant meets the requirements for the license.~~ 54478

Sec. 4778.05. If the state medical board determines under 54479
section 4778.03 of the Revised Code that an applicant meets the 54480
requirements for a license to practice as a genetic counselor, the 54481
secretary of the board shall issue the license to the applicant. 54482
The license shall be valid for a two-year period unless revoked or 54483
suspended, shall expire biennially on the date that is two years 54484
after the date of issuance, and may be renewed for additional 54485
two-year periods in accordance with section 4778.06 of the Revised 54486
Code. 54487

Sec. 4778.06. (A) An individual seeking to renew a license to 54488

practice as a genetic counselor shall, on or before the 54489
~~thirty first day of January of each even numbered year~~ license's 54490
expiration date, apply to the state medical board for renewal ~~of~~ 54491
~~the license~~. The ~~state medical~~ board shall provide renewal notices 54492
to license holders at least one month prior to the expiration 54493
date. 54494

Renewal applications shall be submitted to the board in a 54495
manner prescribed by the board. Each application shall be 54496
accompanied by a biennial renewal fee of one hundred fifty 54497
dollars. 54498

The applicant shall report any criminal offense to which the 54499
applicant has pleaded guilty, of which the applicant has been 54500
found guilty, or for which the applicant has been found eligible 54501
for intervention in lieu of conviction, since last signing an 54502
application for a license to practice as a genetic counselor. 54503

(B) To be eligible for renewal, a genetic counselor shall 54504
certify to the board that the counselor has done both of the 54505
following: 54506

(1) Maintained the counselor's status as a certified genetic 54507
counselor; 54508

(2) Completed at least thirty hours of continuing education 54509
in genetic counseling that has been approved by the national 54510
society of genetic counselors or American board of genetic 54511
counseling. 54512

(C) If an applicant submits a renewal application that the 54513
board considers to be complete and qualifies for renewal pursuant 54514
to division (B) of this section, the board shall issue to the 54515
applicant a renewed license to practice as a genetic counselor. 54516

(D) The board may require a random sample of genetic 54517
counselors to submit materials documenting that their status as 54518
certified genetic counselors has been maintained and that the 54519

number of hours of continuing education required under division 54520
(B)(2) of this section has been completed. 54521

If a genetic counselor certifies that the genetic counselor 54522
has completed the number of hours and type of continuing education 54523
required for renewal of a license, and the board finds through the 54524
random sample or any other means that the genetic counselor did 54525
not complete the requisite continuing education, the board may 54526
impose a civil penalty of not more than five thousand dollars. If 54527
a civil penalty is imposed in addition to any other action the 54528
board takes under section 4778.14 of the Revised Code, the board's 54529
finding shall be made pursuant to an adjudication under Chapter 54530
119. of the Revised Code and by an affirmative vote of not fewer 54531
than six members. A civil penalty imposed under this division may 54532
be in addition to or in lieu of any other action the board may 54533
take under section 4778.14 of the Revised Code. The board shall 54534
deposit civil penalties in accordance with section 4731.24 of the 54535
Revised Code. 54536

Sec. 4778.07. (A) A license to practice as a genetic 54537
counselor issued under section 4778.05 of the Revised Code that is 54538
not renewed on or before its expiration date is automatically 54539
suspended on its expiration date. Continued practice after 54540
suspension shall be considered as practicing in violation of 54541
section 4778.02 of the Revised Code. 54542

(B) If a license has been suspended pursuant to this section 54543
for two years or less, ~~the board shall reinstate the license it~~ 54544
may be reinstated upon an applicant's submission of a complete 54545
renewal application, the biennial renewal fee, and a monetary 54546
penalty of twenty-five dollars. 54547

(C)~~(1)~~ If a license has been suspended pursuant to this 54548
section for more than two years, it may be restored. Subject to 54549
section 4778.071 of the Revised Code, the board may restore the 54550

license upon an applicant's submission of a complete restoration 54551
application, the biennial renewal fee, and a monetary penalty of 54552
fifty dollars and compliance with sections 4776.01 to 4776.04 of 54553
the Revised Code. The board shall not restore a license unless the 54554
board, in its discretion, decides that the results of the criminal 54555
records check do not make the applicant ineligible for a license 54556
issued pursuant to section 4778.05 of the Revised Code. 54557

~~(2) The board may impose terms and conditions for the 54558
restoration, including the following:~~ 54559

~~(a) Requiring the applicant to pass an oral or written 54560
examination, or both, to determine the applicant's present fitness 54561
to resume practice;~~ 54562

~~(b) Requiring the applicant to obtain additional training and 54563
to pass an examination upon completion of such training;~~ 54564

~~(c) Restricting or limiting the extent, scope, or type of 54565
practice of the applicant.~~ 54566

Sec. 4778.071. (A) This section applies to both of the 54567
following: 54568

(1) An applicant seeking restoration of a license issued 54569
under this chapter that has been in a suspended or inactive state 54570
for any cause for more than two years; 54571

(2) An applicant seeking issuance of a license pursuant to 54572
this chapter who for more than two years has not been practicing 54573
as a genetic counselor as either of the following: 54574

(a) An active practitioner; 54575

(b) A student in a graduate program as described in section 54576
4778.03 of the Revised Code. 54577

(B) Before issuing a license to an applicant subject to this 54578
section or restoring a license to good standing for an applicant 54579

subject to this section, the state medical board may impose terms 54580
and conditions including any one or more of the following: 54581

(1) Requiring the applicant to pass an oral or written 54582
examination, or both, to determine the applicant's present fitness 54583
to resume practice; 54584

(2) Requiring the applicant to obtain additional training and 54585
to pass an examination upon completion of such training; 54586

(3) Requiring an assessment of the applicant's physical 54587
skills for purposes of determining whether the applicant's 54588
coordination, fine motor skills, and dexterity are sufficient for 54589
performing evaluations and procedures in a manner that meets the 54590
minimal standards of care; 54591

(4) Requiring an assessment of the applicant's skills in 54592
recognizing and understanding diseases and conditions; 54593

(5) Requiring the applicant to undergo a comprehensive 54594
physical examination, which may include an assessment of physical 54595
abilities, evaluation of sensory capabilities, or screening for 54596
the presence of neurological disorders; 54597

(6) Restricting or limiting the extent, scope, or type of 54598
practice of the applicant. 54599

The board shall consider the moral background and the 54600
activities of the applicant during the period of suspension or 54601
inactivity. The board shall not issue or restore a license under 54602
this section unless the applicant complies with sections 4776.01 54603
to 4776.04 of the Revised Code. 54604

Sec. 4928.143. (A) For the purpose of complying with section 54605
4928.141 of the Revised Code, an electric distribution utility may 54606
file an application for public utilities commission approval of an 54607
electric security plan as prescribed under division (B) of this 54608
section. The utility may file that application prior to the 54609

effective date of any rules the commission may adopt for the 54610
purpose of this section, and, as the commission determines 54611
necessary, the utility immediately shall conform its filing to 54612
those rules upon their taking effect. 54613

(B) Notwithstanding any other provision of Title XLIX of the 54614
Revised Code to the contrary except division (D) of this section, 54615
divisions (I), (J), and (K) of section 4928.20, division (E) of 54616
section 4928.64, and section 4928.69 of the Revised Code: 54617

(1) An electric security plan shall include provisions 54618
relating to the supply and pricing of electric generation service. 54619
In addition, if the proposed electric security plan has a term 54620
longer than three years, it may include provisions in the plan to 54621
permit the commission to test the plan pursuant to division (E) of 54622
this section and any transitional conditions that should be 54623
adopted by the commission if the commission terminates the plan as 54624
authorized under that division. 54625

(2) The plan may provide for or include, without limitation, 54626
any of the following: 54627

(a) Automatic recovery of any of the following costs of the 54628
electric distribution utility, provided the cost is prudently 54629
incurred: the cost of fuel used to generate the electricity 54630
supplied under the offer; the cost of purchased power supplied 54631
under the offer, including the cost of energy and capacity, and 54632
including purchased power acquired from an affiliate; the cost of 54633
emission allowances; and the cost of federally mandated carbon or 54634
energy taxes; 54635

(b) A reasonable allowance for construction work in progress 54636
for any of the electric distribution utility's cost of 54637
constructing an electric generating facility or for an 54638
environmental expenditure for any electric generating facility of 54639
the electric distribution utility, provided the cost is incurred 54640

or the expenditure occurs on or after January 1, 2009. Any such 54641
allowance shall be subject to the construction work in progress 54642
allowance limitations of division (A) of section 4909.15 of the 54643
Revised Code, except that the commission may authorize such an 54644
allowance upon the incurrence of the cost or occurrence of the 54645
expenditure. No such allowance for generating facility 54646
construction shall be authorized, however, unless the commission 54647
first determines in the proceeding that there is need for the 54648
facility based on resource planning projections submitted by the 54649
electric distribution utility. Further, no such allowance shall be 54650
authorized unless the facility's construction was sourced through 54651
a competitive bid process, regarding which process the commission 54652
may adopt rules. An allowance approved under division (B)(2)(b) of 54653
this section shall be established as a nonbypassable surcharge for 54654
the life of the facility. 54655

(c) The establishment of a nonbypassable surcharge for the 54656
life of an electric generating facility that is owned or operated 54657
by the electric distribution utility, was sourced through a 54658
competitive bid process subject to any such rules as the 54659
commission adopts under division (B)(2)(b) of this section, and is 54660
newly used and useful on or after January 1, 2009, which surcharge 54661
shall cover all costs of the utility specified in the application, 54662
excluding costs recovered through a surcharge under division 54663
(B)(2)(b) of this section. However, no surcharge shall be 54664
authorized unless the commission first determines in the 54665
proceeding that there is need for the facility based on resource 54666
planning projections submitted by the electric distribution 54667
utility. Additionally, if a surcharge is authorized for a facility 54668
pursuant to plan approval under division (C) of this section and 54669
as a condition of the continuation of the surcharge, the electric 54670
distribution utility shall dedicate to Ohio consumers the capacity 54671
and energy and the rate associated with the cost of that facility. 54672
Before the commission authorizes any surcharge pursuant to this 54673

division, it may consider, as applicable, the effects of any 54674
decommissioning, deratings, and retirements. 54675

(d) Terms, conditions, or charges relating to limitations on 54676
customer shopping for retail electric generation service, 54677
bypassability, standby, back-up, or supplemental power service, 54678
default service, carrying costs, amortization periods, and 54679
accounting or deferrals, including future recovery of such 54680
deferrals, as would have the effect of stabilizing or providing 54681
certainty regarding retail electric service; 54682

(e) Automatic increases or decreases in any component of the 54683
standard service offer price; 54684

(f) Consistent with sections 4928.23 to 4928.2318 of the 54685
Revised Code, both of the following: 54686

(i) Provisions for the electric distribution utility to 54687
securitize any phase-in, inclusive of carrying charges, of the 54688
utility's standard service offer price, which phase-in is 54689
authorized in accordance with section 4928.144 of the Revised 54690
Code; 54691

(ii) Provisions for the recovery of the utility's cost of 54692
securitization. 54693

(g) Provisions relating to transmission, ancillary, 54694
congestion, or any related service required for the standard 54695
service offer, including provisions for the recovery of any cost 54696
of such service that the electric distribution utility incurs on 54697
or after that date pursuant to the standard service offer; 54698

(h) Provisions regarding the utility's distribution service, 54699
including, without limitation and notwithstanding any provision of 54700
Title XLIX of the Revised Code to the contrary, provisions 54701
regarding single issue ratemaking, a revenue decoupling mechanism 54702
or any other incentive ratemaking, and provisions regarding 54703
distribution infrastructure and modernization incentives for the 54704

electric distribution utility. The latter may include a long-term 54705
energy delivery infrastructure modernization plan for that utility 54706
or any plan providing for the utility's recovery of costs, 54707
including lost revenue, shared savings, and avoided costs, and a 54708
just and reasonable rate of return on such infrastructure 54709
modernization. As part of its determination as to whether to allow 54710
in an electric distribution utility's electric security plan 54711
inclusion of any provision described in division (B)(2)(h) of this 54712
section, the commission shall examine the reliability of the 54713
electric distribution utility's distribution system and ensure 54714
that customers' and the electric distribution utility's 54715
expectations are aligned and that the electric distribution 54716
utility is placing sufficient emphasis on and dedicating 54717
sufficient resources to the reliability of its distribution 54718
system. 54719

(i) Provisions under which the electric distribution utility 54720
may implement economic development, job retention, and energy 54721
efficiency programs, which provisions may allocate program costs 54722
across all classes of customers of the utility and those of 54723
electric distribution utilities in the same holding company 54724
system. 54725

(C)(1) The burden of proof in the proceeding shall be on the 54726
electric distribution utility. The commission shall issue an order 54727
under this division for an initial application under this section 54728
not later than one hundred fifty days after the application's 54729
filing date and, for any subsequent application by the utility 54730
under this section, not later than two hundred seventy-five days 54731
after the application's filing date. Subject to division (D) of 54732
this section, the commission by order shall approve or modify and 54733
approve an application filed under division (A) of this section if 54734
it finds that the electric security plan so approved, including 54735
its pricing and all other terms and conditions, including any 54736

deferrals and any future recovery of deferrals, is more favorable 54737
in the aggregate as compared to the expected results that would 54738
otherwise apply under section 4928.142 of the Revised Code. 54739
Additionally, if the commission so approves an application that 54740
contains a surcharge under division (B)(2)(b) or (c) of this 54741
section, the commission shall ensure that the benefits derived for 54742
any purpose for which the surcharge is established are reserved 54743
and made available to those that bear the surcharge. Otherwise, 54744
the commission by order shall disapprove the application. 54745

(2)(a) If the commission modifies and approves an application 54746
under division (C)(1) of this section, the electric distribution 54747
utility may withdraw the application, thereby terminating it, and 54748
may file a new standard service offer under this section or a 54749
standard service offer under section 4928.142 of the Revised Code. 54750

(b) If the utility terminates an application pursuant to 54751
division (C)(2)(a) of this section or if the commission 54752
disapproves an application under division (C)(1) of this section, 54753
the commission shall issue such order as is necessary to continue 54754
the provisions, terms, and conditions of the utility's most recent 54755
standard service offer, along with any expected increases or 54756
decreases in fuel costs from those contained in that offer, until 54757
a subsequent offer is authorized pursuant to this section or 54758
section 4928.142 of the Revised Code, respectively. 54759

(D) Regarding the rate plan requirement of division (A) of 54760
section 4928.141 of the Revised Code, if an electric distribution 54761
utility that has a rate plan that extends beyond December 31, 54762
2008, files an application under this section for the purpose of 54763
its compliance with division (A) of section 4928.141 of the 54764
Revised Code, that rate plan and its terms and conditions are 54765
hereby incorporated into its proposed electric security plan and 54766
shall continue in effect until the date scheduled under the rate 54767
plan for its expiration, and that portion of the electric security 54768

plan shall not be subject to commission approval or disapproval 54769
under division (C) of this section, and the earnings test provided 54770
for in division (F) of this section shall not apply until after 54771
the expiration of the rate plan. However, that utility may include 54772
in its electric security plan under this section, and the 54773
commission may approve, modify and approve, or disapprove subject 54774
to division (C) of this section, provisions for the incremental 54775
recovery or the deferral of any costs that are not being recovered 54776
under the rate plan and that the utility incurs during that 54777
continuation period to comply with section 4928.141, division (B) 54778
of section 4928.64, or division (A) of section 4928.66 of the 54779
Revised Code. 54780

(E) If an electric security plan approved under division (C) 54781
of this section, except one withdrawn by the utility as authorized 54782
under that division, has a term, exclusive of phase-ins or 54783
deferrals, that exceeds three years from the effective date of the 54784
plan, the commission shall test the plan in the fourth year, and 54785
if applicable, every fourth year thereafter, to determine whether 54786
the plan, including its then-existing pricing and all other terms 54787
and conditions, including any deferrals and any future recovery of 54788
deferrals, continues to be more favorable in the aggregate and 54789
during the remaining term of the plan as compared to the expected 54790
results that would otherwise apply under section 4928.142 of the 54791
Revised Code. The commission shall also determine the prospective 54792
effect of the electric security plan to determine if that effect 54793
is substantially likely to provide the electric distribution 54794
utility with a return on common equity that is significantly in 54795
excess of the return on common equity that is likely to be earned 54796
by publicly traded companies, including utilities, that face 54797
comparable business and financial risk, with such adjustments for 54798
capital structure as may be appropriate. The burden of proof for 54799
demonstrating that significantly excessive earnings will not occur 54800
shall be on the electric distribution utility. For affiliated Ohio 54801

electric distribution utilities that operate under a joint 54802
electric security plan, their total earned return on common equity 54803
shall be used for purposes of assessing significantly excessive 54804
earnings. If the test results are in the negative or the 54805
commission finds that continuation of the electric security plan 54806
will result in a return on equity that is significantly in excess 54807
of the return on common equity that is likely to be earned by 54808
publicly traded companies, including utilities, that will face 54809
comparable business and financial risk, with such adjustments for 54810
capital structure as may be appropriate, during the balance of the 54811
plan, the commission may terminate the electric security plan, but 54812
not until it shall have provided interested parties with notice 54813
and an opportunity to be heard. The commission may impose such 54814
conditions on the plan's termination as it considers reasonable 54815
and necessary to accommodate the transition from an approved plan 54816
to the more advantageous alternative. In the event of an electric 54817
security plan's termination pursuant to this division, the 54818
commission shall permit the continued deferral and phase-in of any 54819
amounts that occurred prior to that termination and the recovery 54820
of those amounts as contemplated under that electric security 54821
plan. 54822

(F) With regard to the provisions that are included in an 54823
electric security plan under this section, the commission shall 54824
consider, following the end of each annual period of the plan, if 54825
any such adjustments resulted in excessive earnings as measured by 54826
whether the earned return on common equity of the electric 54827
distribution utility is significantly in excess of the return on 54828
common equity that was earned during the same period by publicly 54829
traded companies, including utilities, that face comparable 54830
business and financial risk, with such adjustments for capital 54831
structure as may be appropriate. In making its determination of 54832
significantly excessive earnings under this division, the 54833
commission shall, for affiliated Ohio electric distribution 54834

utilities that operate under a joint electric security plan, use 54835
the total of the utilities' earned return on common equity. 54836
Consideration also shall be given to the capital requirements of 54837
future committed investments in this state. The burden of proof 54838
for demonstrating that significantly excessive earnings did not 54839
occur shall be on the electric distribution utility. If the 54840
commission finds that such adjustments, in the aggregate, did 54841
result in significantly excessive earnings, it shall require the 54842
electric distribution utility to return to consumers the amount of 54843
the excess by prospective adjustments; provided that, upon making 54844
such prospective adjustments, the electric distribution utility 54845
shall have the right to terminate the plan and immediately file an 54846
application pursuant to section 4928.142 of the Revised Code. Upon 54847
termination of a plan under this division, rates shall be set on 54848
the same basis as specified in division (C)(2)(b) of this section, 54849
and the commission shall permit the continued deferral and 54850
phase-in of any amounts that occurred prior to that termination 54851
and the recovery of those amounts as contemplated under that 54852
electric security plan. In making its determination of 54853
significantly excessive earnings under this division, the 54854
commission shall not consider, directly or indirectly, the 54855
revenue, expenses, or earnings of any affiliate that is not an 54856
Ohio electric distribution utility or parent company. 54857

Sec. 4929.18. (A) As used in this section, "biologically 54858
derived methane gas" has the same meaning as in section 5713.30 of 54859
the Revised Code. 54860

(B) Any property, equipment, or facilities installed or 54861
constructed by a natural gas company to enable interconnection 54862
with or receipt from any property, equipment, or facilities used 54863
to generate, collect, gather, or transport biologically derived 54864
methane gas, or to enable the supply of biologically derived 54865
methane gas to consumers within this state, may be treated as 54866

instrumentalities and facilities for distribution service if the 54867
public utilities commission determines that treatment is just and 54868
reasonable. If the commission makes that determination, the 54869
property, equipment, or facilities shall be considered used and 54870
useful in rendering public utility service for purposes of section 54871
4909.15 of the Revised Code. 54872

Sec. 4937.01. As used in sections 4937.01 to 4937.05 of the 54873
Revised Code: 54874

(A) "Hazard" has the same meaning as in section 5502.21 of 54875
the Revised Code. 54876

(B) "Member agency" means the state agency of which a member 54877
of the utility radiological safety board is an officer. 54878

(C) "Nuclear electric facility" means any facility operated 54879
by a nuclear electric utility using nuclear energy to produce 54880
electricity and any facility for the storage of spent nuclear fuel 54881
arising from such production. 54882

(D) "Nuclear electric facility incident" means any hazard 54883
within the state which is associated with a nuclear electric 54884
facility and requires, pursuant to sections 5502.21 to 5502.51 of 54885
the Revised Code, emergency management to mitigate its effects. 54886

(E) "Nuclear electric utility" includes every person, their 54887
agents, assignees, or trustees, within this state engaged in the 54888
business of producing electricity using nuclear energy, or in the 54889
storage of spent nuclear fuel arising from such production. 54890

(F) "Nuclear electric utility holding company" means any 54891
company that holds an equity interest in a nuclear electric 54892
utility and is part of an electric utility holding company system 54893
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 54894
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 54895
regulations adopted under the act. 54896

Sec. 4937.05. (A) Subject to division (B) of this section, 54897
the utility radiological safety board may apportion among and 54898
assess against each nuclear electric utility in this state against 54899
which an assessment may be made under section 4905.10 of the 54900
Revised Code an amount no greater than the maximums specified in 54901
the applicable main operating appropriations act. The assessment 54902
shall be made in proportion to the intrastate gross receipts of 54903
the utility, excluding receipts from sales to other public 54904
utilities for resale, for the calendar year next preceding that in 54905
which the assessments are made, or be made based upon the 54906
utility's decommissioning budget for the year of the assessment, 54907
if the utility is not engaged in the business of producing 54908
electricity using nuclear energy. On or before the first day of 54909
October in each year, the board shall notify each such utility of 54910
the sum assessed against it, whereupon payment shall be made to 54911
the board. The board shall deposit the payment into any nuclear 54912
safety fund for which a maximum is specified, for the purposes of 54913
this section, in the applicable main operating appropriations act. 54914
Any assessments so deposited which are not expended shall be 54915
credited ratably to each nuclear electric utility that paid them, 54916
according to the respective portions of the amount assessable 54917
against the utility for the ensuing calendar year. The assessments 54918
for such calendar year shall be adjusted accordingly. 54919

(B) The board shall assess an amount against the nuclear 54920
electric utilities pursuant to division (A) of this section only 54921
in accordance with this division and subject to the conditions it 54922
specifies. 54923

(1) Nuclear electric utilities and, separately, the 54924
environmental protection agency, the department of health, the 54925
department of agriculture, and the emergency management agency of 54926
the department of public safety, as member agencies of the board, 54927
shall negotiate, in good faith, amounts to be given as grants by 54928

the nuclear electric utilities pursuant to this division for 54929
funding the member agency for a fiscal biennium. Any such grant 54930
shall cover all costs related to the statutory requirements or 54931
agreements specified in division (B)(4) of this section, but shall 54932
not be required to cover any costs of activities not directly 54933
related to those statutory requirements or agreements. 54934

(2)(a) If any of the member agencies specified in division 54935
(B)(1) of this section disagrees, before the first day of 54936
September of the first year of a fiscal biennium, with the nuclear 54937
electric utilities on a grant amount under that division for the 54938
agency's funding for that biennium and the agency is requesting a 54939
specified amount not exceeding seventy-five per cent of the 54940
maximum specified in the applicable main operating appropriations 54941
act, the agency shall make a written directive to the board for an 54942
assessment against the nuclear electric utilities for that 54943
specified amount and shall notify the controlling board, the 54944
director of budget and management, and the nuclear electric 54945
utilities in writing of that directive. Upon receipt of the 54946
directive, the utility radiological safety board shall assess the 54947
specified amount against the nuclear electric utilities as 54948
provided in division (A) of this section, notwithstanding any 54949
provision of that division to the contrary, provided the amount 54950
assessed does not exceed the maximum specified in the applicable 54951
main operating appropriations act. 54952

(b) If any of the member agencies specified in division 54953
(B)(1) of this section disagrees, before the first day of 54954
September of the first year of a fiscal biennium, with the nuclear 54955
electric utilities on a grant amount under that division for the 54956
agency's funding for that biennium and the agency is requesting a 54957
specified amount that exceeds seventy-five per cent of the maximum 54958
specified for that agency in the applicable main operating 54959
appropriations act, the agency may request that the controlling 54960

board approve an assessment against the electric utilities in the 54961
specified amount. The controlling board shall not approve an 54962
assessment so requested if it exceeds that maximum or will not be 54963
used for the purposes specified in division (B)(4) of this 54964
section. If the controlling board approves the request, the 54965
utility radiological safety board shall impose an assessment in 54966
the approved amount against the nuclear electric utilities as 54967
provided in division (A) of this section, notwithstanding any 54968
provision of that division to the contrary. 54969

(c) The board shall not assess against the nuclear electric 54970
utilities pursuant to division (A) of this section in any fiscal 54971
biennium for which each member agency and the nuclear electric 54972
utilities agree on grant amounts pursuant to division (B)(1) of 54973
this section. 54974

(3) Revenues received pursuant to grants or assessments under 54975
division (B)(1) or (2) of this section shall be deposited into the 54976
requesting agency's nuclear safety fund, as such fund is specified 54977
in the applicable main operating appropriations act. 54978

(4) Funding provided under this division to a member agency 54979
shall be for the purpose of enabling a member agency to fulfill 54980
its authority and duties under the statutes related to nuclear 54981
safety or the utility safety radiological board, or under 54982
agreements with the nuclear regulatory commission. 54983

(5) If a nuclear electric utility makes any recommendation to 54984
render the nuclear safety programs of member agencies of the 54985
utility radiological safety board more cost effective, the member 54986
agencies shall implement the recommendation or provide to the 54987
utility a written statement explaining why the recommendation will 54988
not be implemented or will be implemented with substantial 54989
modification. 54990

Sec. 5101.061. (A) There is hereby established in the 54991

department of job and family services the office of human services 54992
innovation. The office shall develop recommendations, as described 54993
in division (B) of this section, regarding the coordination and 54994
reform of state programs to assist the residents of this state in 54995
preparing for life and the dignity of work and to promote 54996
individual responsibility and work opportunity. 54997

The director of job and family services shall establish the 54998
office's organizational structure, may reassign the department's 54999
staff and resources as necessary to support the office's 55000
activities, and is responsible for the office's operations. The 55001
superintendent of public instruction, chancellor of ~~the Ohio board~~ 55002
~~of regents~~ higher education, and director of the governor's office 55003
of workforce transformation, ~~and director of the governor's office~~ 55004
~~of health transformation~~ shall assist the director of job and 55005
family services with leadership and organizational support for the 55006
office. 55007

(B) Not later than January 1, 2015, the office shall submit 55008
to the governor recommendations for all of the following: 55009

(1) Coordinating services across all public assistance 55010
programs to help individuals find employment, succeed at work, and 55011
stay out of poverty; 55012

(2) Revising incentives for public assistance programs to 55013
foster person-centered case management; 55014

(3) Standardizing and automating eligibility determination 55015
policies and processes for public assistance programs; 55016

(4) Other matters the office considers appropriate. 55017

(C) Not later than three months after ~~the effective date of~~ 55018
~~this section~~ September 15, 2014, the office shall establish clear 55019
principles to guide the development of its recommendations, shall 55020
identify in detail the problems to be addressed in the 55021

recommendations, and shall make an inventory of all state and 55022
other resources that the office considers relevant to the 55023
recommendations. 55024

(D) The office shall convene the directors and staff of the 55025
departments, agencies, offices, boards, commissions, and 55026
institutions of the executive branch of the state as necessary to 55027
develop the office's recommendations. The departments, agencies, 55028
offices, boards, commissions, and institutions shall comply with 55029
all requests and directives that the office makes, subject to the 55030
supervision of the directors of the departments, agencies, 55031
offices, boards, commissions, and institutions. The office also 55032
shall convene other individuals interested in the issues that the 55033
office addresses in the development of the recommendations to 55034
obtain their input on, and support for, the recommendations. 55035

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1414 55036
of the Revised Code: 55037

(1) "Adopted young adult" means a person: 55038

(a) Who was in the temporary or permanent custody of a public 55039
children services agency; 55040

(b) Who was adopted at the age of sixteen or seventeen and 55041
attained the age of sixteen before a Title IV-E adoption 55042
assistance agreement became effective; 55043

(c) Who has attained the age of eighteen; and 55044

(d) Who has not yet attained the age of twenty-one. 55045

(2) "Child" ~~includes~~ means any of the following: 55046

(a) A person who meets the requirements of division (A)(1) 55047
(B)(3) of section 5101.1411 5153.01 of the Revised Code ~~or an~~ 55048
~~adopted person who meets the requirements applicable to such a~~ 55049
~~person under division (B)(1) of section 5101.1411 of the Revised~~ 55050
~~Code.~~ 55051

~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~ 55052
55053
55054

(b) An adopted young adult; 55055

(c) An emancipated young adult. 55056

(3) "Emancipated young adult" means a person: 55057

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; 55058
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(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and 55063
55064

(c) Who has not yet attained the age of twenty-one. 55065

(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section. 55066
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(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 55069
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(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child 55071
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placing agencies and private noncustodial agencies and rules 55082
establishing eligibility, program participation, and other 55083
requirements concerning Title IV-E shall be adopted in accordance 55084
with Chapter 119. of the Revised Code. A public children services 55085
agency to which the department distributes Title IV-E funds shall 55086
administer the funds in accordance with those rules. 55087

(2) If the state plan is amended under divisions (A) and (B) 55088
of section 5101.1411 of the Revised Code, both of the following 55089
shall apply: 55090

(a) Implementation of the amendments to the plan shall begin 55091
fifteen months after September 13, 2016, the effective date of 55092
H.B. 50 of the 131st general assembly, if both of the following 55093
apply: 55094

(i) The plan as amended is approved by the secretary of 55095
health and human services; 55096

(ii) The general assembly has appropriated sufficient funds 55097
to operate the program required under the plan as amended. 55098

(b) The department shall have, exercise, and perform all new 55099
duties required under the plan as amended. In doing so, the 55100
department may contract with another person to carry out those new 55101
duties, to the extent permitted under Title IV-E. 55102

(C)(1) The Except with regard to the new duties imposed on 55103
the department or its contractor under division (B)(2)(b) of this 55104
section that are not imposed on the county, the county, on behalf 55105
of each child eligible for foster care maintenance payments under 55106
Title IV-E, shall make payments to cover the cost of providing all 55107
of the following: 55108

(a) The child's food, clothing, shelter, daily supervision, 55109
and school supplies; 55110

(b) The child's personal incidentals; 55111

(c) Reasonable travel to the child's home for visitation. 55112

(2) In addition to payments made under division (C)(1) of 55113
this section, the county may, on behalf of each child eligible for 55114
foster care maintenance payments under Title IV-E, make payments 55115
to cover the cost of providing the following: 55116

(a) Liability insurance with respect to the child; 55117

(b) If the county is participating in the demonstration 55118
project established under division (A) of section 5101.142 of the 55119
Revised Code, services provided under the project. 55120

(3) With respect to a child who is in a child-care 55121
institution, including any type of group home designed for the 55122
care of children or any privately operated program consisting of 55123
two or more certified foster homes operated by a common 55124
administrative unit, the foster care maintenance payments made by 55125
the county on behalf of the child shall include the reasonable 55126
cost of the administration and operation of the institution, group 55127
home, or program, as necessary to provide the items described in 55128
divisions (C)(1) and (2) of this section. 55129

(D) To the extent that either foster care maintenance 55130
payments under division (C) of this section or Title IV-E adoption 55131
assistance payments for maintenance costs require the expenditure 55132
of county funds, the board of county commissioners shall report 55133
the nature and amount of each expenditure of county funds to the 55134
department. 55135

(E) The department shall distribute to public children 55136
services agencies that incur and report expenditures of the type 55137
described in division (D) of this section federal financial 55138
participation received for administrative and training costs 55139
incurred in the operation of foster care maintenance and adoption 55140
assistance programs. The department may withhold not more than 55141
three per cent of the federal financial participation received. 55142

The funds withheld may be used only to fund the following: 55143

(1) The Ohio child welfare training program established under 55144
section 5103.30 of the Revised Code; 55145

(2) The university partnership program for college and 55146
university students majoring in social work who have committed to 55147
work for a public children services agency upon graduation; 55148

(3) Efforts supporting organizational excellence, including 55149
voluntary activities to be accredited by a nationally recognized 55150
accreditation organization. 55151

The funds withheld shall be in addition to any administration 55152
and training cost for which the department is reimbursed through 55153
its own cost allocation plan. 55154

(F) All federal financial participation funds received by a 55155
county pursuant to this section shall be deposited into the 55156
county's children services fund created pursuant to section 55157
5101.144 of the Revised Code. 55158

(G) The department shall periodically publish and distribute 55159
the maximum amounts that the department will reimburse public 55160
children services agencies for making payments on behalf of 55161
children eligible for foster care maintenance payments. 55162

(H) The department, by and through its director, is hereby 55163
authorized to develop, participate in the development of, 55164
negotiate, and enter into one or more interstate compacts on 55165
behalf of this state with agencies of any other states, for the 55166
provision of social services to children in relation to whom all 55167
of the following apply: 55168

(1) They have special needs. 55169

(2) This state or another state that is a party to the 55170
interstate compact is providing adoption assistance on their 55171
behalf. 55172

(3) They move into this state from another state or move out of this state to another state. 55173
55174

Sec. 5101.1411. (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any ~~person~~ emancipated young adult who meets the following requirements: 55175
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~~(a) The person has attained the age of eighteen but not attained the age of twenty one.~~ 55183
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~~(b) The person was in the custody of a public children services agency upon attaining the age of eighteen.~~ 55185
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~~(c) The person emancipated young adult signs a voluntary participation agreement.~~ 55187
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~~(d)(b) The ~~person~~ emancipated young adult satisfies division (C) of this section.~~ 55189
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(2) Any ~~person~~ emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time. 55191
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(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 55195
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(a) The parent adopted a person ~~while the adopted person was sixteen or seventeen and had been in the custody of a public children services agency, or~~ who is an adopted young adult and the parent ~~enters~~ entered into an adoption assistance agreement under 42 U.S.C. 673~~r~~ while the adopted person was age sixteen or seventeen.

(b) ~~The adopted person has attained the age of eighteen but has not attained the age of twenty one;~~

~~(c)~~ The parent maintains parental responsibility ~~to that for~~ the adopted ~~person;~~ young adult.

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted ~~person~~ young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) In addition to other requirements, ~~a person who is in foster care or has been adopted~~ an adopted or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in ~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(D) Any ~~person~~ emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, ~~pursuant to this section~~ may refuse the payments at any time. ~~If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.~~

(E)(1) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted ~~person, pursuant to this section,~~ young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.

(2) ~~A person~~ An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

(F) Any determination by the department that denies or terminates foster care or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 55264
an emancipated young adult who receives payments, or on whose 55265
behalf payments are received, under division (A) of section 55266
5101.1411 of the Revised Code, may enter into a voluntary 55267
participation agreement with the department of job and family 55268
services, or its ~~designee~~ representative, for the ~~child's~~ 55269
emancipated young adult's care and placement. The agreement shall 55270
~~expire within one hundred eighty days and may not be renewed~~ 55271
~~without court approval~~ stay in effect until one of the following 55272
occurs: 55273

(1) The emancipated young adult enrolled in the program 55274
notifies the department, or its representative, that they want to 55275
terminate the agreement. 55276

(2) The emancipated young adult becomes ineligible for the 55277
program. 55278

(B) ~~Prior to the agreement's expiration~~ During the 55279
one-hundred-eighty-day period after the voluntary participation 55280
agreement becomes effective, the department or its ~~designee~~ 55281
representative shall seek approval from the court that the ~~child's~~ 55282
emancipated young adult's best interest is served by ~~extending~~ 55283
continuing the care and placement with the department or its 55284
~~designee~~ representative. 55285

(C) In order to maintain Title IV-E eligibility for the 55286
emancipated young adult, not later than twelve months after the 55287
effective date of the voluntary participation agreement, and at 55288
least once every twelve months thereafter, the department or its 55289
representative must petition the court for, and obtain, a judicial 55290
determination that the department or its representative has made 55291
reasonable efforts to finalize a permanency plan that addresses 55292
the department's or its representative's efforts to prepare the 55293
emancipated young adult for independence. 55294

Sec. 5101.1414. (A) Not later than nine months after 55295
September 13, 2016, the effective date of H.B. 50 of the 131st 55296
general assembly, the department of job and family services shall 55297
adopt rules necessary to carry out the purposes of sections 55298
5101.1411 to 5101.1413 of the Revised Code, including rules that 55299
do all of the following: 55300

(1) Allow ~~a person~~ an emancipated young adult described in 55301
division (A)(1) of section 5101.1411 of the Revised Code who is 55302
directly receiving foster care payments, or on whose behalf such 55303
foster care payments are received, or ~~a person~~ an adopted young 55304
adult whose adoptive parents are receiving adoption assistance 55305
payments, to maintain eligibility while transitioning into, or out 55306
of, qualified employment or educational activities; 55307

(2) Require that a thirty-day notice of termination be given 55308
by the department to ~~a person~~ an emancipated young adult described 55309
in division (A)(1) of section 5101.1411 of the Revised Code who is 55310
receiving foster care payments, or on whose behalf such foster 55311
care payments are received, or to a parent receiving adoption 55312
assistance payments for an adopted ~~person~~ young adult described in 55313
division (B)(1) of section 5101.1411 of the Revised Code, who is 55314
determined to be ineligible for payments; 55315

(3) Establish the scope of practice and training necessary 55316
for ~~foster care workers and foster care worker~~ case managers and 55317
supervisors who care for ~~persons~~ emancipated young adults 55318
described in division (A)(1) of section 5101.1411 of the Revised 55319
Code who are receiving foster care payments, or on whose behalf 55320
such foster care payments are received, under section 5101.1411 of 55321
the Revised Code. 55322

(B) The department of job and family services shall create an 55323
advisory council to evaluate and make recommendations for 55324
statewide implementation of sections 5101.1411 and 5101.1412 of 55325

the Revised Code not later than one month after September 13, 55326
2016, the effective date of H.B. 50 of the 131st general assembly. 55327

Sec. 5101.1415. The provisions of divisions (A) and (C) to 55328
(F) of section 5101.1411 of the Revised Code shall not apply if 55329
the person is eligible for temporary or permanent custody until 55330
age twenty-one pursuant to a dispositional order under sections 55331
2151.353, 2151.414, and 2151.415 of the Revised Code. 55332

Sec. 5101.56. (A) As used in this section, "physician" means 55333
a person who holds a valid ~~certificate~~ license to practice 55334
medicine and surgery or osteopathic medicine and surgery issued 55335
under Chapter 4731. of the Revised Code. 55336

(B) Unless required by the United States Constitution or by 55337
federal statute, regulation, or decisions of federal courts, state 55338
or local funds may not be used for payment or reimbursement for 55339
abortion services unless the certification required by division 55340
(C) of this section is made and one of the following circumstances 55341
exists: 55342

(1) The woman suffers from a physical disorder, physical 55343
injury, or physical illness, including a life-endangering physical 55344
condition caused by or arising from the pregnancy, that would, as 55345
certified by a physician, place the woman in danger of death 55346
unless an abortion is performed. 55347

(2) The pregnancy was the result of an act of rape and the 55348
patient, the patient's legal guardian, or the person who made the 55349
report to the law enforcement agency, certifies in writing that 55350
prior to the performance of the abortion a report was filed with a 55351
law enforcement agency having the requisite jurisdiction, unless 55352
the patient was physically unable to comply with the reporting 55353
requirement and that fact is certified by the physician performing 55354
the abortion. 55355

(3) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certifies in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code, unless the patient was physically unable to comply with the reporting requirement and that fact is certified by the physician performing the abortion.

(C)(1) Before payment of or reimbursement for an abortion can be made with state or local funds, the physician performing the abortion shall certify that one of the three circumstances in division (B) of this section has occurred. The certification shall be made on a form created by the Ohio department of job and family services known as the "Abortion Certification Form." The physician's signature shall be in the physician's own handwriting. The certification shall list the name and address of the patient. The certification form shall be attached to the billing invoice.

(2) The certification shall be as follows:

I certify that, on the basis of my professional judgment, this service was necessary because:

(a) The woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion was performed;

(b) The pregnancy was the result of an act of rape and the patient, the patient's legal guardian, or the person who made the report to the law enforcement agency certified in writing that prior to the performance of the abortion a report was filed with a law enforcement agency having the requisite jurisdiction;

(c) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certified in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code;

(d) The pregnancy was the result of an act of rape and in my professional opinion the recipient was physically unable to comply with the reporting requirement; or

(e) The pregnancy was a result of an act of incest and in my professional opinion the recipient was physically unable to comply with the reporting requirement.

(D) Payment or reimbursement for abortion services shall not be made with state or local funds for associated services such as anesthesia, laboratory tests, or hospital services if the abortion service itself cannot be paid or reimbursed with state or local funds. All abortion services for which a physician is seeking reimbursement or payment for the purposes of this division shall be submitted on a hard-copy billing invoice.

(E) Documentation that supports the certification made by a physician shall be maintained by the physician in the recipient's medical record. When the physician certifies that circumstances described in division (C)(2)(b) or (c) of this section are the case, a copy of the statement signed by the patient, the patient's legal guardian, or the person who made the report shall be maintained in the patient's medical record.

(F) Nothing in this section denies reimbursement for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures for the termination of an ectopic pregnancy. This section does not apply to treatments for incomplete, missed,

or septic abortions. 55418

(G) If enforcement of this section will adversely affect 55419
eligibility of the state or a political subdivision of the state 55420
for participation in a federal program, this section shall be 55421
enforced to the extent permissible without preventing 55422
participation in that federal program. 55423

Sec. 5101.83. (A) As used in this section: 55424

(1) "Assistance group" has the same meaning as in section 55425
5107.02 of the Revised Code, except that it also means a group 55426
provided benefits and services under the prevention, retention, 55427
and contingency program or the comprehensive case management and 55428
employment program. 55429

(2) "Fraudulent assistance" means assistance and ~~service~~ 55430
services, including cash assistance, provided under the Ohio works 55431
first program established under Chapter 5107., or benefits and 55432
services provided under the prevention, retention, and contingency 55433
program established under Chapter 5108. of the Revised Code or 55434
under the comprehensive case management and employment program 55435
established under Chapter 5116. of the Revised Code, to or on 55436
behalf of an assistance group that is provided as a result of 55437
fraud by a member of the assistance group, including an 55438
intentional violation of the program's requirements. "Fraudulent 55439
assistance" does not include assistance or services to or on 55440
behalf of an assistance group that is provided as a result of an 55441
error that is the fault of a county department of job and family 55442
services or the ~~state~~ Ohio department of job and family services. 55443

(B) If a county director of job and family services 55444
determines that an assistance group has received fraudulent 55445
assistance, the assistance group is ineligible to participate in 55446
the Ohio works first program ~~or,~~ the prevention, retention, and 55447
contingency program, or the comprehensive case management and 55448

employment program until a member of the assistance group repays 55449
the cost of the fraudulent assistance. If a member repays the cost 55450
of the fraudulent assistance and the assistance group otherwise 55451
meets the eligibility requirements for the Ohio works first 55452
program ~~or~~, the prevention, retention, and contingency program, or 55453
the comprehensive case management and employment program, the 55454
assistance group shall not be denied the opportunity to 55455
participate in the program. 55456

This section does not limit the ability of a county 55457
department of job and family services to recover erroneous 55458
payments under section 5107.76 of the Revised Code. 55459

The ~~state~~ Ohio department of job and family services shall 55460
adopt rules in accordance with Chapter 119. of the Revised Code to 55461
implement this section. 55462

Sec. 5101.85. As used in sections 5101.851 to ~~5101.853~~ 55463
~~5101.856~~ of the Revised Code, "kinship caregiver" means any of the 55464
following who is eighteen years of age or older and is caring for 55465
a child in place of the child's parents: 55466

(A) The following individuals related by blood or adoption to 55467
the child: 55468

(1) Grandparents, including grandparents with the prefix 55469
"great," "great-great," or "great-great-great"; 55470

(2) Siblings; 55471

(3) Aunts, uncles, nephews, and nieces, including such 55472
relatives with the prefix "great," "great-great," "grand," or 55473
"great-grand"; 55474

(4) First cousins and first cousins once removed. 55475

(B) Stepparents and stepsiblings of the child; 55476

(C) Spouses and former spouses of individuals named in 55477

divisions (A) and (B) of this section;	55478
(D) A legal guardian of the child;	55479
(E) A legal custodian of the child;	55480
(F) <u>Any nonrelative adult having a familiar and long-standing</u>	55481
<u>relationship or bond with the child or the family, which</u>	55482
<u>relationship or bond will ensure the child's social ties.</u>	55483
Sec. 5101.851. The department of job and family services may	55484
<u>shall</u> establish a statewide program of kinship care navigators	55485
<u>navigator program</u> to assist kinship caregivers who are seeking	55486
information regarding, or assistance obtaining, services and	55487
benefits available at the state and local level that address the	55488
needs of those caregivers residing in each county. The program	55489
shall provide to kinship caregivers information and referral	55490
services and assistance obtaining support services including the	55491
following:	55492
(A) Publicly funded child care;	55493
(B) Respite care;	55494
(C) Training related to caring for special needs children;	55495
(D) A toll-free telephone number that may be called to obtain	55496
basic information about the rights of, and services available to,	55497
kinship caregivers;	55498
(E) Legal services.	55499
Sec. 5101.853. <u>The director of job and family services shall</u>	55500
<u>divide the state into not less than five and not greater than</u>	55501
<u>twelve regions, for the kinship care navigator program under</u>	55502
<u>section 5101.851 of the Revised Code. The director shall take the</u>	55503
<u>following into consideration when establishing the regions:</u>	55504
(A) <u>The population size;</u>	55505

<u>(B) The estimated number of kinship caregivers;</u>	55506
<u>(C) The expertise of kinship navigators;</u>	55507
<u>(D) Any other factor the director considers relevant.</u>	55508
<u>Sec. 5101.854. The program in each kinship care navigator</u>	55509
<u>region established under section 5101.853 of the Revised Code</u>	55510
<u>shall provide information and referral services and assistance in</u>	55511
<u>obtaining support services for kinship caregivers within its</u>	55512
<u>region.</u>	55513
<u>Sec. 5101.853 5101.855. The <u>Not later than one year after the</u></u>	55514
<u>effective date of this amendment, the department of job and family</u>	55515
<u>services may shall adopt rules to implement the kinship care</u>	55516
<u>navigators navigators navigator program. The rules shall be adopted under</u>	55517
<u>Chapter 119. of the Revised Code, except that rules governing</u>	55518
<u>fiscal and administrative matters related to implementation of the</u>	55519
<u>navigators program are internal management rules and shall be</u>	55520
<u>adopted under section 111.15 of the Revised Code.</u>	55521
<u>Sec. 5101.856. (A)(1) The kinship care navigator program</u>	55522
<u>shall be funded to the extent that general revenue funds have been</u>	55523
<u>appropriated by the general assembly for that purpose.</u>	55524
<u>(2) The director of job and family services shall take any</u>	55525
<u>action necessary to obtain funds available for the kinship care</u>	55526
<u>navigator program under Title IV-E of the "Social Security Act,"</u>	55527
<u>94 Stat. 501 (1980), 42 U.S.C. 670, as amended.</u>	55528
<u>(B) The department shall pay the full nonfederal share for</u>	55529
<u>the kinship care navigator program. No county department of job</u>	55530
<u>and family services or public children services agency shall be</u>	55531
<u>responsible for the cost of the program.</u>	55532
<u>Sec. 5103.02. As used in sections 5103.03 to 5103.17 5103.181</u>	55533

of the Revised Code: 55534

(A)(1) "Association" or "institution" includes all of the 55535
following: 55536

(a) Any incorporated or unincorporated organization, society, 55537
association, or agency, public or private, that receives or cares 55538
for children for two or more consecutive weeks; 55539

(b) Any individual, including the operator of a foster home, 55540
who, for hire, gain, or reward, receives or cares for children for 55541
two or more consecutive weeks, unless the individual is related to 55542
them by blood or marriage; 55543

(c) Any individual not in the regular employ of a court, or 55544
of an institution or association certified in accordance with 55545
section 5103.03 of the Revised Code, who in any manner becomes a 55546
party to the placing of children in foster homes, unless the 55547
individual is related to such children by blood or marriage or is 55548
the appointed guardian of such children; 55549

(d) A qualified organization as defined in section 2151.90 of 55550
the Revised Code. 55551

(2) "Association" or "institution" does not include any of 55552
the following: 55553

(a) Any organization, society, association, school, agency, 55554
child guidance center, detention or rehabilitation facility, or 55555
children's clinic licensed, regulated, approved, operated under 55556
the direction of, or otherwise certified by the department of 55557
education, a local board of education, the department of youth 55558
services, the department of mental health and addiction services, 55559
or the department of developmental disabilities; 55560

(b) Any individual who provides care for only a single-family 55561
group, placed there by their parents or other relative having 55562
custody; 55563

(c) A private, nonprofit therapeutic wilderness camp.	55564
(B) "Family foster home" means a foster home that is not a specialized foster home.	55565 55566
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	55567 55568
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	55569 55570 55571 55572 55573 55574 55575 55576 55577
(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	55578 55579 55580 55581
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	55582 55583 55584
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	55585 55586 55587
(3) The children require the services of a registered nurse on a daily basis.	55588 55589
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	55590 55591 55592
(F) "Private, nonprofit therapeutic wilderness camp" means a	55593

structured, alternative residential setting for children who are 55594
experiencing emotional, behavioral, moral, social, or learning 55595
difficulties at home or school in which all of the following are 55596
the case: 55597

(1) The children spend the majority of their time, including 55598
overnight, either outdoors or in a primitive structure. 55599

(2) The children have been placed there by their parents or 55600
another relative having custody. 55601

(3) The camp accepts no public funds for use in its 55602
operations. 55603

(G) "Recommending agency" means a public children services 55604
agency, private child placing agency, or private noncustodial 55605
agency that recommends that the department of job and family 55606
services take any of the following actions under section 5103.03 55607
of the Revised Code regarding a foster home: 55608

(1) Issue a certificate; 55609

(2) Deny a certificate; 55610

(3) Renew a certificate; 55611

(4) Deny renewal of a certificate; 55612

(5) Revoke a certificate. 55613

(H) "Specialized foster home" means a medically fragile 55614
foster home or a treatment foster home. 55615

(I) "Treatment foster home" means a foster home that 55616
incorporates special rehabilitative services designed to treat the 55617
specific needs of the children received in the foster home and 55618
that receives and cares for children who are emotionally or 55619
behaviorally disturbed, who are chemically dependent, who have 55620
developmental disabilities, or who otherwise have exceptional 55621
needs. 55622

Sec. 5103.037. (A) Prior to employing or appointing a person 55623
as board president, or as an administrator or officer, an 55624
institution or association shall do the following regarding the 55625
person: 55626

(1) Request a summary report of a search of the uniform 55627
statewide automated child welfare information system in accordance 55628
with divisions (A) and (B) of section 5103.18 of the Revised Code; 55629

(2) Request a certified search of the findings for recovery 55630
database; 55631

(3) Conduct a database review at the federal web site known 55632
as the system for award management; 55633

(4) Conduct a search of the United States department of 55634
justice national sex offender public web site. 55635

(B) The institution or association may refuse to hire or 55636
appoint a person as board president, or as an administrator or 55637
officer as follows: 55638

(1) Based solely on the findings of the summary report 55639
described in division (B)(1)(a) of section 5103.18 of the Revised 55640
Code or the results of the search described in division (A)(4) of 55641
this section; 55642

(2) Based on the results of a certified search or database 55643
review described in division (A)(2) or (3) of this section, when 55644
considered within the totality of circumstances. 55645

(C) The director of job and family services shall adopt rules 55646
in accordance with Chapter 119. of the Revised Code necessary for 55647
the implementation and execution of this section. 55648

Sec. 5103.0310. (A) Prior to employing a person, an 55649
institution or association, as defined in division (A)(1)(a) of 55650
section 5103.02 of the Revised Code, shall do the following 55651

regarding the person: 55652

(1) Conduct a search of the United States department of justice national sex offender public web site regarding the person; 55653
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(2) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code. 55656
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(B) The institution or association may refuse to hire the person based solely on the results of the search described in division (A)(1) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 55659
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 55664
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Sec. 5103.0328. (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver. 55667
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(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of 55680
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this section that a foster caregiver has been convicted of or 55682
pleaded guilty to any foster caregiver-disqualifying offense, or 55683
if a recommending agency learns in any other manner that a foster 55684
caregiver has been convicted of or pleaded guilty to any foster 55685
caregiver-disqualifying offense, the recommending agency shall 55686
assess the foster caregiver's overall situation for safety 55687
concerns and forward any recommendations, if applicable, for 55688
revoking the foster caregiver's certificate to the department for 55689
the department's review for possible revocation. 55690

(C) As used in this section, "foster caregiver-disqualifying 55691
offense" means any offense or violation listed or described in 55692
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 55693

Sec. 5103.13. (A) As used in this section and section 55694
5103.131 of the Revised Code: 55695

(1)(a) "Children's crisis care facility" means a facility 55696
that has as its primary purpose the provision of residential and 55697
other care to either or both of the following: 55698

(i) One or more preteens voluntarily placed in the facility 55699
by the preteen's parent or other caretaker who is facing a crisis 55700
that causes the parent or other caretaker to seek temporary care 55701
for the preteen and referral for support services; 55702

(ii) One or more preteens placed in the facility by a public 55703
children services agency or private child placing agency that has 55704
legal custody or permanent custody of the preteen and determines 55705
that an emergency situation exists necessitating the preteen's 55706
placement in the facility rather than an institution certified 55707
under section 5103.03 of the Revised Code or elsewhere. 55708

(b) "Children's crisis care facility" does not include either 55709
of the following: 55710

(i) Any organization, society, association, school, agency, 55711

child guidance center, detention or rehabilitation facility, or 55712
children's clinic licensed, regulated, approved, operated under 55713
the direction of, or otherwise certified by the department of 55714
education, a local board of education, the department of youth 55715
services, the department of mental health and addiction services, 55716
or the department of developmental disabilities; 55717

(ii) Any individual who provides care for only a 55718
single-family group, placed there by their parents or other 55719
relative having custody. 55720

(2) "Legal custody" and "permanent custody" have the same 55721
meanings as in section 2151.011 of the Revised Code. 55722

(3) "Preteen" means an individual under thirteen years of 55723
age. 55724

(B) No person shall operate a children's crisis care facility 55725
or hold a children's crisis care facility out as a certified 55726
children's crisis care facility unless there is a valid children's 55727
crisis care facility certificate issued under this section for the 55728
facility. 55729

(C) A person seeking to operate a children's crisis care 55730
facility shall apply to the director of job and family services to 55731
obtain a certificate for the facility. The director shall certify 55732
the person's children's crisis care facility if the facility meets 55733
all of the certification standards established in rules adopted 55734
under division (F) of this section and the person complies with 55735
all of the rules governing the certification of children's crisis 55736
care facilities adopted under that division. The issuance of a 55737
children's crisis care facility certificate does not exempt the 55738
facility from a requirement to obtain another certificate or 55739
license mandated by law. 55740

(D)(1) No certified children's crisis care facility shall do 55741
any of the following: 55742

(a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;	55743 55744
(b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days;	55745 55746 55747 55748
(c) Except as provided in division (D)(3) of this section, provide Provide residential care to a preteen for more than seventy-two <u>fourteen</u> consecutive hours <u>days</u> if a public children services agency or private child placing agency placed the preteen in the facility;	55749 55750 55751 55752 55753
(d) Fail to comply with section 2151.86 of the Revised Code.	55754
(2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:	55755 55756 55757 55758 55759
(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;	55760 55761 55762
(b) The preteen's parent or other caretaker is an inpatient in a hospital;	55763 55764
(c) The preteen's parent or other caretaker is incarcerated;	55765
(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.	55766 55767
(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a	55768 55769 55770 55771 55772

~~waiver of the seventy two consecutive hour limitation. The waiver 55773
may authorize the certified children's crisis care facility to 55774
provide residential care to the preteen for up to fourteen 55775
consecutive days. 55776~~

(E) The director of job and family services may suspend or 55777
revoke a children's crisis care facility's certificate pursuant to 55778
Chapter 119. of the Revised Code if the facility violates division 55779
(D) of this section or ceases to meet any of the certification 55780
standards established in rules adopted under division (F) of this 55781
section or the facility's operator ceases to comply with any of 55782
the rules governing the certification of children's crisis care 55783
facilities adopted under that division. 55784

(F) Not later than ninety days after September 21, 2006, the 55785
director of job and family services shall adopt rules pursuant to 55786
Chapter 119. of the Revised Code for the certification of 55787
children's crisis care facilities. The rules shall specify that a 55788
certificate shall not be issued to an applicant if the conditions 55789
at the children's crisis care facility would jeopardize the health 55790
or safety of the preteens placed in the facility. 55791

Sec. 5103.181. (A) Prior to certification or recertification 55792
of a foster home under section 5103.03 of the Revised Code, a 55793
recommending agency shall conduct a search of the United States 55794
department of justice national sex offender public web site 55795
regarding the prospective or current foster caregiver and all 55796
persons eighteen years of age or older who reside with the 55797
prospective or current foster caregiver. Certification or 55798
recertification may be denied based solely on the results of the 55799
search. 55800

(B) The director of job and family services shall adopt rules 55801
in accordance with Chapter 119. of the Revised Code necessary for 55802
the implementation and execution of this section. 55803

Sec. 5103.30. The Ohio child welfare training program is 55804
hereby established in the department of job and family services as 55805
a statewide program. The program shall provide all of the 55806
following: 55807

(A) The training that section 3107.014 of the Revised Code 55808
requires an assessor to complete; 55809

(B) The preplacement training that sections 5103.031 and 55810
5103.033 of the Revised Code require a prospective foster 55811
caregiver to complete; 55812

(C) The continuing training that sections 5103.032 and 55813
5103.033 of the Revised Code require a foster caregiver to 55814
complete; 55815

(D) The training that section 5153.122 of the Revised Code 55816
requires a PCSA caseworker to complete; 55817

(E) The training that section 5153.123 of the Revised Code 55818
requires a PCSA caseworker supervisor to complete; 55819

(F) The training required under section 5101.1414 of the 55820
Revised Code for a ~~foster care worker or foster care worker~~ case 55821
manager and supervisor. 55822

Sec. 5104.01. As used in this chapter: 55823

(A) "Administrator" means the person responsible for the 55824
daily operation of a center, type A home, or ~~type B home~~ approved 55825
child day camp. The administrator and the owner may be the same 55826
person. 55827

(B) "Approved child day camp" means a child day camp approved 55828
pursuant to section 5104.22 of the Revised Code. 55829

(C) "Authorized representative" means an individual employed 55830
by a center, type A home, or approved child day camp that is owned 55831
by a person other than an individual and who is authorized by the 55832

<u>owner to do all of the following:</u>	55833
<u>(1) Communicate on the owner's behalf;</u>	55834
<u>(2) Submit on the owner's behalf applications for licensure or approval;</u>	55835 55836
<u>(3) Enter into on the owner's behalf provider agreements for publicly funded child care.</u>	55837 55838
<u>(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care <u>funded by the child care block grant act.</u></u>	55839 55840 55841 55842
(D) <u>(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:</u>	55843 55844 55845
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	55846 55847 55848
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	55849 55850 55851
(E) <u>(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.</u>	55852 55853 55854 55855 55856 55857 55858 55859
(F) <u>(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the</u>	55860 55861 55862

Revised Code.	55863
(G) (H) "Child" includes an infant, toddler, preschool-age child, or school-age child.	55864 55865
(H) (I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990) <u>2014,</u> " <u>128 Stat. 1971 (2014)</u> , 42 U.S.C. 9858, as amended.	55866 55867 55868 55869 55870
(I) (J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than seven <u>twelve</u> hours per day, that operates only during one or more public school district's regular vacation periods or for <u>and</u> no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven <u>twelve</u> hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.	55871 55872 55873 55874 55875 55876 55877 55878 55879 55880 55881 55882 55883 55884
(J) (K) "Child care" means all of the following:	55885
(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;	55886 55887 55888
(2) By persons other than their parents, guardians, or custodians;	55889 55890
(3) For any part of the twenty-four-hour day;	55891
(4) In a place other than a child's own home, except that an	55892

in-home aide provides child care in the child's own home; 55893

(5) By a provider required by this chapter to be licensed or 55894
approved by the department of job and family services, certified 55895
by a county department of job and family services, or under 55896
contract with the department to provide publicly funded child care 55897
as described in section 5104.32 of the Revised Code. 55898

~~(K)(L)~~ "Child day-care center" and "center" mean ~~any place in 55899~~
~~which child care or publicly funded child care is provided for 55900~~
~~thirteen or more children at one time or any place that is not the 55901~~
permanent residence of the licensee or administrator in which 55902
child care or publicly funded child care is provided for seven ~~to 55903~~
~~twelve or more~~ children at one time. ~~In counting children for the 55904~~
~~purposes of this division, any children under six years of age who 55905~~
~~are related to a licensee, administrator, or employee and who are 55906~~
~~on the premises of the center shall be counted.~~ "Child day-care 55907
center" and "center" do not include any of the following: 55908

(1) A place located in and operated by a hospital, as defined 55909
in section 3727.01 of the Revised Code, in which the needs of 55910
children are administered to, if all the children whose needs are 55911
being administered to are monitored under the on-site supervision 55912
of a physician licensed under Chapter 4731. of the Revised Code or 55913
a registered nurse licensed under Chapter 4723. of the Revised 55914
Code, and the services are provided only for children who, in the 55915
opinion of the child's parent, guardian, or custodian, are 55916
exhibiting symptoms of a communicable disease or other illness or 55917
are injured; 55918

(2) A child day camp; 55919

(3) A place that provides ~~child care, but not publicly funded 55920~~
~~child~~ care, if all of the following apply: 55921

(a) An organized religious body provides the ~~child~~ care; 55922

(b) A parent, custodian, or guardian of at least one child 55923

receiving ~~child~~ care is on the premises and readily accessible at 55924
all times; 55925

(c) The ~~child~~ care is not provided for more than thirty days 55926
a year; 55927

(d) The ~~child~~ care is provided only for preschool-age and 55928
school-age children. 55929

~~(L)~~(M) "Child care resource and referral service 55930
organization" means a community-based nonprofit organization that 55931
provides child care resource and referral services but not child 55932
care. 55933

~~(M)~~(N) "Child care resource and referral services" means all 55934
of the following services: 55935

(1) Maintenance of a uniform data base of all child care 55936
providers in the community that are in compliance with this 55937
chapter, including current occupancy and vacancy data; 55938

(2) Provision of individualized consumer education to 55939
families seeking child care; 55940

(3) Provision of timely referrals of available child care 55941
providers to families seeking child care; 55942

(4) Recruitment of child care providers; 55943

(5) Assistance in ~~the development, conduct, and dissemination~~ 55944
~~of developing, conducting, and disseminating~~ training for child 55945
care ~~providers~~ professionals and provision of technical assistance 55946
to current and potential child care providers, employers, and the 55947
community; 55948

(6) Collection and analysis of data on the supply of and 55949
demand for child care in the community; 55950

(7) Technical assistance concerning locally, state, and 55951
federally funded child care and early childhood education 55952
programs; 55953

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.

~~(N)~~(O) "Child-care staff member" means an employee of a child day-care center ~~or~~, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a ~~part-time~~ child-care staff member when not involved in other duties.

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

~~(P)~~(O) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center ~~or~~, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center ~~or~~, type A family day-care home, licensed type B

family day-care home, or approved child day camp. 55984

~~(Q)~~(R) "Employer" means a person, firm, institution, 55985
organization, or agency that operates a child day-care center ~~or,~~ 55986
type A family day-care home, licensed type B family day-care home, 55987
or approved child day camp subject to licensure or approval under 55988
this chapter. 55989

~~(R)~~(S) "Federal poverty line" means the official poverty 55990
guideline as revised annually in accordance with section 673(2) of 55991
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 55992
U.S.C. 9902, as amended, for a family size equal to the size of 55993
the family of the person whose income is being determined. 55994

~~(S)~~(T) "Head start program" means a comprehensive child 55995
development program serving birth to three years old and 55996
preschool-age children that receives funds distributed under the 55997
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 55998
amended, and is licensed as a child ~~day-care center~~ care program. 55999

~~(T)~~(U) "Homeless child care" means child care provided to a 56000
child who satisfies any of the following: 56001

(1) Is homeless as defined in 42 U.S.C. 11302; 56002

(2) Is a homeless child or youth as defined in 42 U.S.C. 56003
11434a; 56004

(3) Resides temporarily with a caretaker in a facility 56005
providing emergency shelter for homeless families or is determined 56006
by a county department of job and family services to be homeless. 56007

(V) "Income" means gross income, as defined in section 56008
5107.10 of the Revised Code, less any amounts required by federal 56009
statutes or regulations to be disregarded. 56010

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 56011
in conjunction with an instrument-based program monitoring 56012
information system, that contains selected licensing requirements 56013

that are statistically reliable indicators or predictors of a 56014
child day-care center's type A family day-care home's, or licensed 56015
type B family day-care home's compliance with licensing 56016
requirements. 56017

~~(V)~~(X) "Infant" means a child who is less than eighteen 56018
months of age. 56019

~~(W)~~(Y) "In-home aide" means a person who does not reside with 56020
the child but provides care in the child's home and is certified 56021
by a county director of job and family services pursuant to 56022
section 5104.12 of the Revised Code to provide publicly funded 56023
child care to a child in a child's own home pursuant to this 56024
chapter and any rules adopted under it. 56025

~~(X)~~(Z) "Instrument-based program monitoring information 56026
system" means a method to assess compliance with licensing 56027
requirements for child day-care centers, type A family day-care 56028
homes, and licensed type B family day-care homes in which each 56029
licensing requirement is assigned a weight indicative of the 56030
relative importance of the requirement to the health, growth, and 56031
safety of the children that is used to develop an indicator 56032
checklist. 56033

~~(Y)~~(AA) "License capacity" means the maximum number in each 56034
age category of children who may be cared for in a child day-care 56035
center ~~or, type A family day-care home, or licensed type B family~~ 56036
day-care home at one time as determined by the director of job and 56037
family services considering building occupancy limits established 56038
by the department of commerce, amount of available indoor floor 56039
space and outdoor play space, and amount of available play 56040
equipment, materials, and supplies. ~~For the purposes of a~~ 56041
~~provisional license issued under this chapter, the director shall~~ 56042
~~also consider the number of available child care staff members~~ 56043
~~when determining "license capacity" for the provisional license.~~ 56044

~~(Z)~~(BB) "Licensed child care program" means any of the 56045
following: 56046

(1) A child day-care center licensed by the department of job 56047
and family services pursuant to this chapter; 56048

(2) A type A family day-care home or type B family day-care 56049
home licensed by the department of job and family services 56050
pursuant to this chapter; 56051

(3) A licensed preschool program or licensed school child 56052
program. 56053

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 56054
child program" means a preschool program or school child program, 56055
as defined in section 3301.52 of the Revised Code, that is 56056
licensed by the department of education pursuant to sections 56057
3301.52 to 3301.59 of the Revised Code. 56058

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 56059
type B home" mean a type B family day-care home for which there is 56060
a valid license issued by the director of job and family services 56061
pursuant to section 5104.03 of the Revised Code. 56062

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 56063
center, type A family day-care home, or type B family day-care 56064
home that is licensed pursuant to this chapter and who is 56065
responsible for ensuring ~~its~~ compliance with this chapter and 56066
rules adopted pursuant to this chapter. 56067

~~(DD)~~(FF) "Operate a child day camp" means to operate, 56068
establish, manage, conduct, or maintain a child day camp. 56069

~~(EE)~~(GG) "Owner" includes a person, as defined in section 56070
1.59 of the Revised Code, or government entity. 56071

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 56072
cooperative center," "parent cooperative type A family day-care 56073
home," and "parent cooperative type A home" mean a corporation or 56074

association organized for providing educational services to the 56075
children of members of the corporation or association, without 56076
gain to the corporation or association as an entity, in which the 56077
services of the corporation or association are provided only to 56078
children of the members of the corporation or association, 56079
ownership and control of the corporation or association rests 56080
solely with the members of the corporation or association, and at 56081
least one parent-member of the corporation or association is on 56082
the premises of the center or type A home during its hours of 56083
operation. 56084

~~(GG)~~(II) "Part-time child day-care center," "part-time 56085
center," "part-time type A family day-care home," and "part-time 56086
type A home" mean a center or type A home that provides child care 56087
or publicly funded child care for not more than four hours a day 56088
for any child or not more than fifteen consecutive weeks per year, 56089
regardless of the number of hours per day. 56090

~~(HH)~~(JJ) "Place of worship" means a building where activities 56091
of an organized religious group are conducted and includes the 56092
grounds and any other buildings on the grounds used for such 56093
activities. 56094

~~(II)~~(KK) "Preschool-age child" means a child who is three 56095
years old or older but is not a school-age child. 56096

~~(JJ)~~(LL) "Protective child care" means publicly funded child 56097
care for the direct care and protection of a child to whom ~~either~~ 56098
all of the following ~~applies~~ apply: 56099

(1) A case plan has been prepared and maintained for the 56100
child pursuant to section 2151.412 of the Revised Code. 56101

(2) The case plan indicates a need for protective care ~~and~~ 56102
~~the~~. 56103

(3) The child resides with a parent, stepparent, guardian, or 56104
another person who stands in loco parentis as defined in rules 56105

adopted under section 5104.38 of the Revised Code+ 56106

~~(2) The child and the child's caretaker either temporarily 56107
reside in a facility providing emergency shelter for homeless 56108
families or are determined by the county department of job and 56109
family services to be homeless, and are otherwise ineligible for 56110
publicly funded child care. 56111~~

~~(KK)~~(MM) "Publicly funded child care" means administering to 56112
the needs of infants, toddlers, preschool-age children, and 56113
school-age children under age thirteen during any part of the 56114
twenty-four-hour day by persons other than their caretaker parents 56115
for remuneration wholly or in part with federal or state funds, 56116
including funds available under the child care block grant act, 56117
Title IV-A, and Title XX, distributed by the department of job and 56118
family services. 56119

~~(LL)~~(NN) "Religious activities" means any of the following: 56120
worship or other religious services; religious instruction; Sunday 56121
school classes or other religious classes conducted during or 56122
prior to worship or other religious services; youth or adult 56123
fellowship activities; choir or other musical group practices or 56124
programs; meals; festivals; or meetings conducted by an organized 56125
religious group. 56126

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 56127
or is eligible to be enrolled in a grade of kindergarten or above 56128
but is less than fifteen years old or, in the case of a child who 56129
is receiving special needs child care, is less than eighteen years 56130
old. 56131

~~(NN) "School age child care center" and "school age child 56132
type A home" mean a center or type A home that provides child care 56133
for school age children only and that does either or both of the 56134
following: 56135~~

~~(1) Operates only during that part of the day that 56136~~

~~immediately precedes or follows the public school day of the~~ 56137
~~school district in which the center or type A home is located;~~ 56138

~~(2) Operates only when the public schools in the school~~ 56139
~~district in which the center or type A home is located are not~~ 56140
~~open for instruction with pupils in attendance.~~ 56141

~~(OO)~~(PP) "Serious risk noncompliance" means a licensure or 56142
certification rule violation that leads to a great risk of harm 56143
to, or death of, a child, and is observable, not inferable. 56144

~~(PP)~~ "State median income" means the state median income 56145
calculated by the department of development pursuant to division 56146
~~(A)(1)(g)~~ of section 5709.61 of the Revised Code 56147

(OO) "Special needs child care" means child care provided to 56148
a child who is less than eighteen years of age and either has one 56149
or more chronic health conditions or does not meet age appropriate 56150
expectations in one or more areas of development, including 56151
social, emotional, cognitive, communicative, perceptual, motor, 56152
physical, and behavioral development and that may include on a 56153
regular basis such services, adaptations, modifications, or 56154
adjustments needed to assist in the child's function or 56155
development. 56156

~~(OO)~~(RR) "Title IV-A" means Title IV-A of the "Social 56157
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 56158

~~(RR)~~(SS) "Title XX" means Title XX of the "Social Security 56159
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56160

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 56161
months of age but less than three years of age. 56162

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 56163
a the permanent residence of the administrator in which child care 56164
or publicly funded child care is provided for seven to twelve 56165
children at one time or a permanent residence of the administrator 56166

in which child care is provided for four to twelve children at one 56167
time if four or more children at one time are under two years of 56168
age. In counting children for the purposes of this division, any 56169
children under six years of age who are related to a licensee, 56170
administrator, or employee and who are on the premises of the type 56171
A home shall be counted. "Type A family day-care home" and "type A 56172
home" do not include any child day camp. 56173

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 56174
a permanent residence of the provider in which ~~child~~ care is 56175
provided for one to six children at one time and in which no more 56176
than three children are under two years of age at one time. In 56177
counting children for the purposes of this division, any children 56178
under six years of age who are related to the provider and who are 56179
on the premises of the type B home shall be counted. "Type B 56180
family day-care home" and "type B home" do not include any child 56181
day camp. 56182

Sec. 5104.013. ~~(A)(1) At the times specified in division 56183
(A)(3) of this section, the director of job and family services, 56184
as part of the process of licensure of child day care centers, 56185
type A family day care homes, and type B family day care homes 56186
shall request the superintendent of the bureau of criminal 56187
identification and investigation to conduct a criminal records 56188
check with respect to the following persons:~~ 56189

~~(a) Any owner, licensee, or administrator of a center;~~ 56190

~~(b) Any owner, licensee, or administrator of a type A home or 56191
type B home and any person eighteen years of age or older who 56192
resides in a type A home or type B home.~~ 56193

~~(2) At the time specified in division (A)(3) of this section, 56194
the director of a county department of job and family services, as 56195
part of the process of certification of in-home aides, shall 56196
request the superintendent of the bureau of criminal 56197~~

~~identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 56198
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the bureau of investigation in the criminal records check, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671.~~ 56200
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~~(4) The director of job and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(1) and (3) of this section prior to approval of a license. The director of a county department of job~~ 56226
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~~and family services shall review the results of a criminal records check subsequent to a request made pursuant to divisions (A)(2) and (3) of this section prior to approval of certification.~~

~~(B) The director of job and family services or the director of a county department of job and family services shall provide to each person for whom a criminal records check is required under this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section, obtain the completed form and impression sheet from that person, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.~~

~~(C) A person who receives pursuant to division (B) of this section a copy of the form and standard impression sheet described in that division and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.~~

~~(D) Except as provided in rules adopted under division (N) of this section:~~

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in~~

~~division (A)(5) of section 109.572 of the Revised Code.~~ 56262

~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 56263
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 56269
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 56275
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrator requests a criminal records check for~~ 56281
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~~an applicant pursuant to division (F)(1) of this section, the 56294
administrator may request that the superintendent include 56295
information from the federal bureau of investigation in the 56296
criminal records check, including fingerprint based checks of 56297
national crime information databases as described in 42 U.S.C. 56298
671. 56299~~

~~(G) Any person required by division (F) of this section to 56300
request a criminal records check shall inform each person, at the 56301
time of the person's initial application for employment, that the 56302
person is required to provide a set of impressions of the person's 56303
fingerprints and that a criminal records check is required to be 56304
conducted and satisfactorily completed in accordance with section 56305
109.572 of the Revised Code if the person comes under final 56306
consideration for appointment or employment as a precondition to 56307
employment for that position. 56308~~

~~(H) A person required by division (F) of this section to 56309
request a criminal records check shall provide to each applicant a 56310
copy of the form prescribed pursuant to division (C)(1) of section 56311
109.572 of the Revised Code, provide to each applicant a standard 56312
impression sheet to obtain fingerprint impressions prescribed 56313
pursuant to division (C)(2) of section 109.572 of the Revised 56314
Code, obtain the completed form and impression sheet from each 56315
applicant, and forward the completed form and impression sheet to 56316
the superintendent of the bureau of criminal identification and 56317
investigation at the time the person requests a criminal records 56318
check pursuant to division (F) of this section. 56319~~

~~(I) An applicant who receives pursuant to division (H) of 56320
this section a copy of the form prescribed pursuant to division 56321
(C)(1) of section 109.572 of the Revised Code and a copy of an 56322
impression sheet prescribed pursuant to division (C)(2) of that 56323
section and who is requested to complete the form and provide a 56324
set of fingerprint impressions shall complete the form or provide 56325~~

~~all the information necessary to complete the form and shall 56326
provide the impression sheet with the impressions of the 56327
applicant's fingerprints. If an applicant, upon request, fails to 56328
provide the information necessary to complete the form or fails to 56329
provide impressions of the applicant's fingerprints, the center or 56330
type A home shall not employ that applicant for any position for 56331
which a criminal records check is required by division (F) of this 56332
section. 56333~~

~~(J)(1) Except as provided in rules adopted under division (N) 56334
of this section, no center, type A home, or licensed type B home 56335
shall employ or contract with another entity for the services of a 56336
person if the person previously has been convicted of or pleaded 56337
guilty to any of the violations described in division (A)(5) of 56338
section 109.572 of the Revised Code. 56339~~

~~(2) A center, type A home, or licensed type B home may employ 56340
an applicant conditionally until the criminal records check 56341
required by this section is completed and the center or home 56342
receives the results of the criminal records check. If the results 56343
of the criminal records check indicate that, pursuant to division 56344
(J)(1) of this section, the applicant does not qualify for 56345
employment, the center, type A home, or licensed type B home shall 56346
release the applicant from employment. 56347~~

~~(3) The administrator of a center, type A home, or licensed 56348
type B home shall review the results of the criminal records check 56349
before an applicant has sole responsibility for the care, custody, 56350
or control of any child. 56351~~

~~(K)(1) Each center, type A home, and licensed type B home 56352
shall pay to the bureau of criminal identification and 56353
investigation the fee prescribed pursuant to division (C)(3) of 56354
section 109.572 of the Revised Code for each criminal records 56355
check conducted in accordance with that section upon the request 56356
pursuant to division (F) of this section of the administrator of 56357~~

~~the center, type A home, or licensed type B home.~~ 56358

~~(2) A center, type A home, or licensed type B home may charge 56359
an applicant a fee for the costs it incurs in obtaining a criminal 56360
records check under this section. A fee charged under this 56361
division shall not exceed the amount of fees the center, type A 56362
home, or licensed type B home pays under division (K)(1) of this 56363
section. If a fee is charged under this division, the center, type 56364
A home, or licensed type B home shall notify the applicant at the 56365
time of the applicant's initial application for employment of the 56366
amount of the fee and that, unless the fee is paid, the center, 56367
type A home, or licensed type B home will not consider the 56368
applicant for employment.~~ 56369

~~(L) The report of any criminal records check conducted by the 56370
bureau of criminal identification and investigation in accordance 56371
with section 109.572 of the Revised Code and pursuant to a request 56372
made under division (A) or (F) of this section is not a public 56373
record for the purposes of section 149.43 of the Revised Code and 56374
shall not be made available to any person other than the person 56375
who is the subject of the criminal records check or the person's 56376
representative, the director of job and family services, the 56377
director of a county department of job and family services, the 56378
center, type A home, or type B home involved, and any court, 56379
hearing officer, or other necessary individual involved in a case 56380
dealing with a denial of licensure or certification related to the 56381
criminal records check.~~ 56382

~~(M)(1) Each of the following persons shall sign a statement 56383
on forms prescribed by the director of job and family services 56384
attesting to the fact that the person has not been convicted of or 56385
pleaded guilty to any offense set forth in division (A)(5) of 56386
section 109.572 of the Revised Code and that no child has been 56387
removed from the person's home pursuant to section 2151.353 of the 56388
Revised Code.~~ 56389

(a) An employee of a center, type A home, or licensed type B home;	56390
home;	56391
(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;	56392
type A home or licensed type B home;	56393
(c) An in home aide;	56394
(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.	56395
home, or licensed type B home.	56396
(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.	56397
a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the	56398
type A home or licensed type B home and is under eighteen years of	56399
age has been adjudicated a delinquent child for committing a	56400
violation of any section listed in division (A)(5) of section	56401
109.572 of the Revised Code.	56402
(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:	56403
this section shall be kept on file as follows:	56404
(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;	56405
employee of a center, type A home, or licensed type B home, or a	56406
person eighteen years of age or older residing in a type A home or	56407
licensed type B home, at the center, type A home, or licensed type	56408
B home;	56409
(b) With respect to in home aides, at the county department of job and family services.	56410
of job and family services.	56411
(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.	56412
center, type A home, or licensed type B home, and no person	56413
eighteen years of age or older residing in a type A home or	56414
licensed type B home, shall withhold information from, or falsify	56415
information on, any statement required pursuant to division (M)(1)	56416
or (2) of this section.	56417
(N) The director of job and family services shall adopt rules	56418
The director of job and family services shall adopt rules	56419

~~in accordance with Chapter 119. of the Revised Code to implement 56420
this section, including rules specifying exceptions to the 56421
prohibitions in divisions (D) and (J) of this section for persons 56422
who have been convicted of an offense listed in division (A)(5) of 56423
section 109.572 of the Revised Code but who meet standards in 56424
regard to rehabilitation set by the director. 56425~~

~~(0) As used in this section: 56426~~

~~(1) "Applicant" means a person who is under final 56427
consideration for appointment to or employment in a position with 56428
a center, a type A home, or licensed type B home or any person who 56429
would serve in any position with a center, type A home, or 56430
licensed type B home pursuant to a contract with another entity. 56431~~

~~(2) "Criminal records check" has the same meaning as in 56432
section 109.572 of the Revised Code. 56433~~

~~(A) As used in this section: 56434~~

~~(1) "Applicant" means either of the following: 56435~~

~~(a) A person who is under final consideration for appointment 56436
to or employment in a position with a licensed preschool program 56437
or licensed school child program that provides publicly funded 56438
child care, child day-care center, type A family day-care home, 56439
licensed type B family day-care home, or child day camp; 56440~~

~~(b) A person who would serve in any position with a licensed 56441
preschool program or licensed school child program that provides 56442
publicly funded child care, child day-care center, type A family 56443
day-care home, licensed type B family day-care home, or child day 56444
camp pursuant to a contract with another entity. 56445~~

~~(2) "Criminal records check" has the same meaning as in 56446
section 109.572 of the Revised Code. 56447~~

~~(B)(1) At the times specified in division (B)(2)(a) of this 56448
section, the director of job and family services shall request the 56449~~

superintendent of the bureau of criminal identification and 56450
investigation to conduct a criminal records check for each of the 56451
following persons: 56452

(a) Any owner or licensee of a child day-care center; 56453

(b) Any owner or licensee of a type A family day-care home or 56454
licensed type B family day-care home and any person eighteen years 56455
of age or older who resides in the home; 56456

(c) Any owner of an approved child day camp; 56457

(d) Any director of a licensed preschool program or licensed 56458
school child program that provides publicly funded child care; 56459

(e) Any in-home aide; 56460

(f) Any applicant or employee, including an administrator, of 56461
a child day-care center, type A family day-care home, licensed 56462
type B family day-care home, approved child day camp, or licensed 56463
preschool program or licensed school child program that provides 56464
publicly funded child care. 56465

(2)(a) The director shall request a criminal records check at 56466
the following times: 56467

(i) In the case of an owner or licensee of child day-care 56468
center or an owner or licensee of a type A family day-care home or 56469
licensed type B family day-care home or a resident of such a home, 56470
at the time of initial application for licensure and every five 56471
years thereafter; 56472

(ii) In the case of an owner of an approved child day camp, 56473
at the time of initial application for approval and every five 56474
years thereafter; 56475

(iii) In the case of a director of a licensed child care 56476
program or licensed school child program, at the time of initial 56477
application to provide publicly funded child care and every five 56478
years thereafter; 56479

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 56480
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 56482
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 56486
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 56495
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 56503
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 56511
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 56514
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(b) Obtain the completed form and impression sheet from the person; 56518
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 56520
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(d) Review the results of the criminal records check. 56523

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment. 56524
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(5) Except as provided in rules adopted under division (F) of this section: 56536
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(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job 56538
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and family services shall not certify an in-home aide and shall 56542
revoke a certification, if a person for whom a criminal records 56543
check was required under division (B)(1)(a) to (B)(1)(e) of this 56544
section has been convicted of or pleaded guilty to any of the 56545
violations described in division (A)(5) of section 109.572 of the 56546
Revised Code. 56547

(b) The director of job and family services shall not issue a 56548
license to a type A home or type B home if a resident of the type 56549
A home or type B home is under eighteen years of age and has been 56550
adjudicated a delinquent child for committing either a violation 56551
of any section listed in division (A)(5) of section 109.572 of the 56552
Revised Code or an offense of another state or the United States 56553
that is substantially equivalent to an offense listed in division 56554
(A)(5) of section 109.572 of the Revised Code. 56555

(c) The director shall determine an applicant or employee 56556
ineligible for employment if the person has been convicted of or 56557
pleaded guilty to any of the violations described in division 56558
(A)(5) of section 109.572 of the Revised Code. 56559

(6) Each child day-care center, type A home, type B home, 56560
approved child day camp, licensed child care program, licensed 56561
school child program, and in-home aide shall pay to the bureau of 56562
criminal identification and investigation the fee prescribed 56563
pursuant to division (C)(3) of section 109.572 of the Revised Code 56564
for each criminal records check conducted in accordance with that 56565
section upon a request made pursuant to division (B) of this 56566
section. 56567

A center, home, camp, preschool program, or school child 56568
program may charge an applicant a fee for the costs it incurs in 56569
obtaining a criminal records check under this section. A fee 56570
charged under this division shall not exceed the amount the 56571
center, home, camp, or program pays under this section. If a fee 56572
is charged, the center, home, camp, or program shall notify the 56573

applicant at the time of the applicant's initial application for 56574
employment of the amount of the fee and that, unless the fee is 56575
paid, the center, home, camp, or program will not consider the 56576
applicant for employment. 56577

(7) The report of any criminal records check conducted by the 56578
bureau of criminal identification and investigation in accordance 56579
with section 109.572 of the Revised Code and pursuant to a request 56580
made under division (B) of this section is confidential and not a 56581
public record for the purposes of section 149.43 of the Revised 56582
Code. The report shall not be made available to any person other 56583
than the person who is the subject of the criminal records check 56584
or the person's representative, the director of job and family 56585
services, the director of a county department of job and family 56586
services, and any court, hearing officer, or other necessary 56587
individual involved in a case dealing with a denial or revocation 56588
of licensure, approval, or certification related to the criminal 56589
records check. 56590

(C)(1) At the times specified in division (C)(2) of this 56591
section, the director of job and family services shall search the 56592
uniform statewide automated child welfare information system for 56593
information concerning any abuse or neglect report made pursuant 56594
to section 2151.421 of the Revised Code of which any of the 56595
following persons is a subject: 56596

(a) Any owner or licensee of a child day-care center; 56597

(b) Any owner or licensee of a type A family day-care home or 56598
licensed type B family day-care home and any person eighteen years 56599
of age or older who resides in the home; 56600

(c) Any owner of an approved child day camp; 56601

(d) Any director of a licensed preschool program or licensed 56602
school child program that provides publicly funded child care; 56603

(e) Any in-home aide; 56604

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

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(2) The director shall search the information system at the following times:

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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

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(v) Except as provided in division (C)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

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(vi) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed

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type B family day-care home, or approved child day camp within the 56636
past one hundred eighty consecutive days, every five years after 56637
the date of the initial determination. 56638

(3) The director shall consider any information discovered 56639
pursuant to division (C)(1) of this section or that is provided by 56640
a public children services agency pursuant to section 5153.175 of 56641
the Revised Code. If the director determines that the information, 56642
when viewed within the totality of the circumstances, reasonably 56643
leads to the conclusion that the person may directly or indirectly 56644
endanger the health, safety, or welfare of children, the director 56645
or county director of job and family services shall do any of the 56646
following: 56647

(a) Refuse to issue a license to or approve a center, type A 56648
home, type B home, child day camp, preschool program, or school 56649
child program; 56650

(b) Revoke a license or approval; 56651

(c) Refuse to certify an in-home aide or revoke a 56652
certification; 56653

(d) Determine an applicant or employee ineligible for 56654
employment with the center, type A home, licensed type B home, 56655
child day camp, preschool program, or school child program. 56656

(4) Any information obtained under division (C) of this 56657
section is confidential and not a public record for the purposes 56658
of section 149.43 of the Revised Code. The information shall not 56659
be made available to any person other than the person who is the 56660
subject of the search or the person's representative, the director 56661
of job and family services, the director of a county department of 56662
job and family services, and any court, hearing officer, or other 56663
necessary individual involved in a case dealing with a denial or 56664
revocation of licensure, approval, or certification related to the 56665
search. 56666

(D)(1) At the times specified in division (D)(2) of this section, the director of job and family services shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender: 56667
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(a) Any owner or licensee of a child day-care center; 56674

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home; 56675
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(c) Any owner of an approved child day camp; 56678

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 56679
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(e) Any in-home aide; 56681

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 56682
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(2) The director shall inspect each registry at the following times: 56687
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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 56689
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 56694
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 56697
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 56700
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 56702
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 56706
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or county director of job and family services shall do any of the following: 56717
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(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 56721
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(b) Revoke a license or approval; 56724

(c) Refuse to certify an in-home aide or revoke a certification; 56725
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(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 56727
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(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 56730
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment. 56740
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(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at 56754
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the time of initial application for employment and every five 56759
years thereafter. 56760

(2) A criminal records check requested at the time of initial 56761
application shall include a request that the superintendent of the 56762
bureau of criminal identification and investigation obtain 56763
information from the federal bureau of investigation as part of 56764
the criminal records check for the person, including 56765
fingerprint-based checks of national crime information databases 56766
as described in 42 U.S.C. 671 for the person subject to the 56767
criminal records check. 56768

(3) A criminal records check requested at any time other than 56769
the time of initial application may include a request that the 56770
superintendent of the bureau of criminal identification and 56771
investigation obtain information from the federal bureau of 56772
investigation as part of the criminal records check for the 56773
person, including fingerprint-based checks of national crime 56774
information databases as described in 42 U.S.C. 671 for the person 56775
subject to the criminal records check. 56776

(4) With respect to a criminal records check requested under 56777
division (F) of this section, the administrator shall do all of 56778
the following: 56779

(a) Provide to the applicant or employee a copy of the form 56780
prescribed pursuant to division (C)(1) of section 109.572 of the 56781
Revised Code and a standard impression sheet to obtain fingerprint 56782
impressions prescribed pursuant to division (C)(2) of that 56783
section; 56784

(b) Obtain the completed form and impression sheet from the 56785
applicant or employee; 56786

(c) Forward the completed form and impression sheet to the 56787
superintendent of the bureau of criminal identification and 56788
investigation; 56789

- (d) Review the results of the criminal records check. 56790
- (5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment. 56791
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- (6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment. 56802
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- (7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee. 56813
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- (8) Each child day camp shall pay to the bureau of criminal 56821

identification and investigation the fee prescribed pursuant to 56822
division (C)(3) of section 109.572 of the Revised Code for each 56823
criminal records check conducted in accordance with that section 56824
upon a request made pursuant to division (F) of this section. A 56825
camp may charge an applicant or employee a fee for the costs it 56826
incurs in obtaining a criminal records check under division (F) of 56827
this section. A fee charged under this division shall not exceed 56828
the fees the camp pays under this section. If a fee is charged, 56829
the camp shall notify the applicant at the time of the applicant's 56830
initial application for employment of the amount of the fee and 56831
that, unless the fee is paid, the camp will not consider the 56832
applicant for employment. 56833

(9) The report of any criminal records check conducted by the 56834
bureau of criminal identification and investigation in accordance 56835
with section 109.572 of the Revised Code and pursuant to a request 56836
made under division (F) of this section is confidential and not a 56837
public record for the purposes of section 149.43 of the Revised 56838
Code. The report shall not be made available to any person other 56839
than the person who is the subject of the criminal records check 56840
or the person's representative, the director of job and family 56841
services, the administrator, and any court, hearing officer, or 56842
other necessary individual involved in a case dealing with a 56843
denial or revocation of registration related to the criminal 56844
records check. 56845

(G) The director of job and family services shall adopt rules 56846
as necessary to implement this section. The rules shall be adopted 56847
in accordance with Chapter 119. of the Revised Code. The rules 56848
shall specify exceptions to the prohibitions in division (B), (E), 56849
and (F) of this section for a person who has been convicted of or 56850
pleaded guilty to a criminal offense listed in division (A)(5) of 56851
section 109.572 of the Revised Code but who meets standards in 56852
regard to rehabilitation set by the director. 56853

(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including parent cooperative centers, part-time centers, and drop-in centers, ~~and school-age child care centers~~. The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. ~~The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications.~~ The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	56886 56887 56888 56889
(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;	56890 56891 56892
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	56893 56894 56895
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	56896 56897 56898 56899 56900 56901 56902 56903 56904 56905
(E) Admissions policies and procedures;	56906
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	56907 56908
(G) First aid and emergency procedures;	56909
(H) Procedures for discipline and supervision of children;	56910
(I) Standards for the provision of nutritious meals and snacks;	56911 56912
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	56913 56914 56915

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	56916 56917
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	56918 56919 56920 56921
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	56922 56923 56924
(N) Procedures for record keeping, organization, and administration;	56925 56926
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	56927 56928 56929
(P) Inspection procedures;	56930
(Q) Procedures and standards for setting initial license application fees;	56931 56932
(R) Procedures for receiving, recording, and responding to complaints about centers;	56933 56934
(S) Procedures for enforcing section 5104.04 of the Revised Code;	56935 56936
(T) A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	56937 56938 56939 56940 56941 56942
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases,	56943 56944 56945

and in child abuse recognition and prevention; 56946

(V) Standards providing for the special needs of children who 56947
are handicapped or who require treatment for health conditions 56948
while the child is receiving child care or publicly funded child 56949
care in the center; 56950

(W) A procedure for reporting of injuries of children that 56951
occur at the center; 56952

(X) Standards for licensing child day-care centers for 56953
children with short-term illnesses and other temporary medical 56954
conditions; 56955

(Y) Minimum requirements for instructional time for child 56956
day-care centers rated through the step up to quality program 56957
established pursuant to section 5104.29 of the Revised Code; 56958

(Z) Any other procedures and standards necessary to carry out 56959
the provisions of this chapter regarding child day-care centers. 56960

Sec. 5104.016. The director of job and family services, in 56961
addition to the rules adopted under section 5104.015 of the 56962
Revised Code, shall adopt rules establishing minimum requirements 56963
for child day-care centers. The rules shall include the 56964
requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 56965
of the Revised Code. Except as provided in section 5104.07 of the 56966
Revised Code, the rules shall not change the square footage 56967
requirements of section 5104.032 of the Revised Code ~~or~~ or the 56968
maximum number of children per child-care staff member and maximum 56969
group size requirements of section 5104.033 of the Revised Code ~~or~~ 56970
~~the educational and experience requirements of section 5104.035 of~~ 56971
~~the Revised Code; the age, educational, and experience~~ 56972
~~requirements of section 5104.036 of the Revised Code; however.~~ 56973
However, the rules shall provide procedures for determining 56974
compliance with those requirements. 56975

Sec. 5104.02. (A) The director of job and family services is 56976
responsible for ~~the~~ licensing of child day-care centers ~~and~~, type 56977
A family day-care homes, and type B family day-care homes. Each 56978
entity operating a head start program shall meet the criteria for, 56979
and be licensed as, a child day-care center. The director is 56980
responsible for the enforcement of this chapter and of rules 56981
promulgated pursuant to this chapter. 56982

No person, firm, organization, institution, or agency shall 56983
operate, establish, manage, conduct, or maintain a child day-care 56984
center or type A family day-care home without a license issued 56985
under section 5104.03 of the Revised Code. The current license 56986
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 56987
home in a conspicuous place that is accessible to parents, 56988
custodians, or guardians and employees of the center or ~~type A~~ 56989
home at all times when the center or ~~type A~~ home is in operation. 56990

(B) A person, firm, institution, organization, or agency 56991
operating any of the following programs is exempt from the 56992
requirements of this chapter: 56993

(1) A program ~~of child care~~ caring for children that operates 56994
for two ~~or less~~ consecutive weeks or less and not more than six 56995
weeks total in each calendar year; 56996

(2) ~~Child care~~ Caring for children in places of worship 56997
during religious activities ~~during which children are cared for~~ 56998
while at least one parent, guardian, or custodian of each child is 56999
participating in such activities and is readily available; 57000

(3) ~~Religious activities which do not provide child care;~~ 57001

~~(4)~~ Supervised training, instruction, or activities of 57002
children in specific areas, including, but not limited to: art; 57003
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 57004
~~skill or sport~~ skills or sports; computers; or an educational 57005

subject conducted on an organized or periodic basis ~~no more than~~ 57006
~~one day a week and for no more than six hours duration~~ that a 57007
child does not attend for more than eight total hours per week; 57008

~~(5)(4)~~ (4) Programs in which the director determines that at 57009
least one parent, custodian, or guardian of each child who is not 57010
an employee of the facility engaged in employment duties is on the 57011
premises of the facility ~~offering child~~ that offers care and is 57012
readily accessible at all times, ~~except that child care provided~~ 57013
~~on the premises at which a parent, custodian, or guardian is~~ 57014
~~employed more than two and one half hours a day shall be licensed~~ 57015
~~in accordance with division (A) of this section;~~ 57016

~~(6)(a)(5)~~ (5) Programs that provide child care funded and 57017
~~regulated or operated~~ and are regulated by state departments other 57018
than the department of job and family services or the state board 57019
of education ~~when the director of job and family services has~~ 57020
~~determined that the rules governing the program are equivalent to~~ 57021
~~or exceed the rules promulgated pursuant to this chapter.~~ 57022

~~Notwithstanding any exemption from regulation under this~~ 57023
~~chapter, each state department shall submit to the director of job~~ 57024
~~and family services a copy of the rules that govern programs that~~ 57025
~~provide child care and are regulated or operated and regulated by~~ 57026
~~the department. Annually, each state department shall submit to~~ 57027
~~the director a report for each such program it regulates or~~ 57028
~~operates and regulates that includes the following information:~~ 57029

~~(i) The site location of the program;~~ 57030

~~(ii) The maximum number of infants, toddlers, preschool age~~ 57031
~~children, or school age children served by the program at one~~ 57032
~~time;~~ 57033

~~(iii) The number of adults providing child care for the~~ 57034
~~number of infants, toddlers, preschool age children, or school age~~ 57035
~~children;~~ 57036

~~(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.~~ 57037
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~~The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.~~ 57039
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~~(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.~~ 57043
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~~(7)(6)~~ Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 57048
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~~(8)(7)~~ Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 57052
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 57056
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 57060
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(c) The program is conducted in a school building; 57063

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code. 57064
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~~(9)~~(8) A youth development program operated outside of school hours by a ~~community based center~~ to which all of the following apply: 57067
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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 57070
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(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 57073
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 57077
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~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~ 57080
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~~(e) The ~~community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).~~ 57084
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~~(10)~~(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions: 57087
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(a) The program complies with state and local health, fire, and safety laws. 57090
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(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)~~(10)~~(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year. 57092
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

Sec. 5104.021. The director of job and family services may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)~~(9)~~(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license.

Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules

adopted pursuant to this chapter. The copies may be provided in 57127
paper or electronic form. 57128

Fees shall be set by the director pursuant to sections 57129
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 57130
paid at the time of application for a license to operate a center, 57131
type A home, or type B home. Fees collected under this section 57132
shall be paid into the state treasury to the credit of the general 57133
revenue fund. 57134

(C)(1) Upon filing of the application for a license, the 57135
director shall investigate and inspect the center, type A home, or 57136
type B home to determine the license capacity for each age 57137
category of children of the center, type A home, or type B home 57138
and to determine whether the center, type A home, or type B home 57139
complies with this chapter and rules adopted pursuant to this 57140
chapter. When, after investigation and inspection, the director is 57141
satisfied that this chapter and rules adopted pursuant to it are 57142
complied with, subject to division ~~(I)~~(G) of this section, a 57143
license shall be issued as soon as practicable in such form and 57144
manner as prescribed by the director. The license shall be 57145
designated as provisional and shall be valid for at least twelve 57146
months from the date of issuance ~~unless~~ and until the continuous 57147
license is issued or until the provisional license is revoked or 57148
suspended pursuant to section 5104.042 of the Revised Code. 57149

(2) The director may contract with a government entity or a 57150
private nonprofit entity for the entity to inspect type A or type 57151
B family day-care homes pursuant to this section. If the director 57152
contracts with a government entity or private nonprofit entity for 57153
that purpose, the entity may contract with another government 57154
entity or private nonprofit entity for the other entity to inspect 57155
type A or type B homes pursuant to this section. The director, 57156
government entity, or private nonprofit entity shall conduct an 57157
inspection prior to the issuance of a license for a type A or type 57158

B home and, as part of that inspection, ensure that the home is 57159
safe and sanitary. 57160

~~(D)(1) On receipt of an application for licensure as a type B 57161
family day care home to provide publicly funded child care, the 57162
director shall search the uniform statewide automated child 57163
welfare information system for information concerning any abuse or 57164
neglect report made pursuant to section 2151.421 of the Revised 57165
Code of which the applicant, any other adult residing in the 57166
applicant's home, or a person designated by the applicant to be an 57167
emergency or substitute caregiver for the applicant is the 57168
subject. 57169~~

~~(2) The director shall consider any information discovered 57170
pursuant to division (D)(1) of this section or that is provided by 57171
a public children services agency pursuant to section 5153.175 of 57172
the Revised Code. If the director determines that the information, 57173
when viewed within the totality of the circumstances, reasonably 57174
leads to the conclusion that the applicant may directly or 57175
indirectly endanger the health, safety, or welfare of children, 57176
the director shall deny the application for licensure or revoke 57177
the license of a type B family day care home. 57178~~

~~(E)~~ The director shall investigate and inspect the center, 57179
type A home, or type B home at least once during operation under a 57180
license designated as provisional. If after the investigation and 57181
inspection the director determines that the requirements of this 57182
chapter and rules adopted pursuant to this chapter are met, 57183
subject to division ~~(F)~~(G) of this section, the director shall 57184
issue a new continuous license to the center or home. 57185

~~(F)~~(E) Each license shall state the name of the licensee, the 57186
name of the administrator, the address of the center, type A home, 57187
or licensed type B home, and the license capacity for each age 57188
category of children. The license shall include thereon, in 57189
accordance with sections 5104.015, 5104.017, and 5104.018 of the 57190

Revised Code, the toll-free telephone number to be used by persons 57191
suspecting that the center, type A home, or licensed type B home 57192
has violated a provision of this chapter or rules adopted pursuant 57193
to this chapter. A license is valid only for the licensee, 57194
administrator, address, and license capacity for each age category 57195
of children designated on the license. The license capacity 57196
specified on the license is the maximum number of children in each 57197
age category that may be cared for in the center, type A home, or 57198
licensed type B home at one time. 57199

~~The A center or type A home~~ licensee shall notify the 57200
director in writing when the administrator, address, or license 57201
capacity of the center or home changes. The director shall amend 57202
the current license to reflect a change in ~~an~~ any of the 57203
following: 57204

(1) An administrator, if the administrator meets the 57205
requirements of this chapter and rules adopted pursuant to this 57206
chapter, ~~or a change in license;~~ 57207

(2) Address, if the new address meets the requirements of 57208
this chapter and rules adopted pursuant to this chapter; 57209

(3) License capacity for any age category of children as 57210
determined by the director of job and family services. 57211

~~(G)~~(F) If the director revokes the license of a center, a 57212
type A home, or a type B home, the director shall not issue 57213
another license to the owner of the center, type A home, or type B 57214
home until five years have elapsed from the date the license is 57215
revoked. 57216

If the director denies an application for a license, the 57217
director shall not consider another application from the applicant 57218
until five years have elapsed from the date the application is 57219
denied. 57220

~~(H) If during the application for licensure process the~~ 57221

~~director determines that the license of the owner has been~~ 57222
~~revoked, the investigation of the center, type A home, or type B~~ 57223
~~home shall cease. This action does not constitute denial of the~~ 57224
~~application and may not be appealed under division (I) of this~~ 57225
~~section.~~ 57226

~~(I)(G)(1)~~ Except as provided in division ~~(I)(G)(2)~~ of this 57227
section, all actions of the director with respect to licensing 57228
centers, type A homes, or type B homes, refusal to license, and 57229
revocation of a license shall be in accordance with Chapter 119. 57230
of the Revised Code. Except as provided in division ~~(I)(G)(2)~~ of 57231
this section, any applicant who is denied a license or any owner 57232
whose license is revoked may appeal in accordance with section 57233
119.12 of the Revised Code. 57234

(2) The following actions by the director are not subject to 57235
Chapter 119. of the Revised Code: 57236

(a) The director ~~does not issue a license to~~ ceases its 57237
review of an application because the owner of a center, type A 57238
home, or type B home ~~because the owner~~ sought a license before 57239
five years had elapsed from the date the previous license was 57240
revoked and the director does not issue the license. 57241

(b) The director ~~does not issue a license~~ ceases its review 57242
of an application because the applicant applied for licensure 57243
before five years had elapsed from the date the previous 57244
application was denied and the director does not issue the 57245
license. 57246

(c) The director closes a license because the director has 57247
determined that the center, type A home, or type B home is no 57248
longer operating at the address stated on the license and did not 57249
notify the director of the address change as described in division 57250
(E) of this section. 57251

~~(J)(H)~~ In no case shall the director issue a license under 57252

this section for a center, type A home, or type B home if the 57253
director, based on documentation provided by the appropriate 57254
county department of job and family services, determines that the 57255
applicant had been certified as ~~a type B family day care home when~~ 57256
~~such certifications were issued by county departments prior to~~ 57257
~~January 1, 2014~~ an in-home aide, that the county department 57258
revoked that certification within the immediately preceding five 57259
years, that the revocation was based on the applicant's refusal or 57260
inability to comply with the criteria for certification, and that 57261
the refusal or inability resulted in a risk to the health or 57262
safety of children. 57263

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 57264
~~an administrator~~ (I) An owner of a type B family day-care home 57265
that receives a license pursuant to this section ~~to provide~~ 57266
~~publicly funded child care~~ is an independent contractor and is not 57267
an employee of the department of job and family services. 57268

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 57269
~~determinations concerning the employment of an administrator of a~~ 57270
~~type B family day care home that receives a license pursuant to~~ 57271
~~this section shall be determined under Chapter 4141. of the~~ 57272
~~Revised Code.~~ 57273

Sec. 5104.04. (A) The department of job and family services 57274
shall establish procedures to be followed in investigating, 57275
inspecting, and licensing child day-care centers, type A family 57276
day-care homes, and licensed type B family day-care homes. 57277

(B)(1)(a) The department shall, at least once during every 57278
twelve-month period of operation of a center, type A home, or 57279
licensed type B home, inspect the center, type A home, or licensed 57280
type B home. The department shall inspect a part-time center or 57281
part-time type A home at least once during every twelve-month 57282
period of operation. The department shall provide a written 57283

inspection report to the licensee within a reasonable time after 57284
each inspection. ~~The licensee shall display its most recent~~ 57285
~~inspection report in a conspicuous place in the center, type A~~ 57286
~~home, or licensed type B home.~~ 57287

Inspections may be unannounced. No person, firm, 57288
organization, institution, or agency shall interfere with the 57289
inspection of a center, type A home, or licensed type B home by 57290
any state or local official engaged in performing duties required 57291
of the state or local official by this chapter or rules adopted 57292
pursuant to this chapter, including inspecting the center, type A 57293
home, or licensed type B home, reviewing records, or interviewing 57294
licensees, employees, children, or parents. 57295

(b) Upon receipt of any complaint that a center, type A home 57296
or licensed type B home is out of compliance with the requirements 57297
of this chapter or rules adopted pursuant to this chapter, the 57298
department shall investigate the center or home, and both of the 57299
following apply: 57300

(i) If the complaint alleges that a child suffered physical 57301
harm while receiving child care at the center or home or that the 57302
noncompliance alleged in the complaint involved, resulted in, or 57303
poses a substantial risk of physical harm to a child receiving 57304
child care at the center or home, the department shall inspect the 57305
center or home. 57306

(ii) If division (B)(1)(b)(i) of this section does not apply 57307
regarding the complaint, the department may inspect the center or 57308
home. 57309

(c) Division (B)(1)(b) of this section does not limit, 57310
restrict, or negate any duty of the department to inspect a 57311
center, type A home, or licensed type B home that otherwise is 57312
imposed under this section, or any authority of the department to 57313
inspect a center, type A home, or licensed type B home that 57314

otherwise is granted under this section ~~when the department~~ 57315
~~believes the inspection is necessary and it is permitted under the~~ 57316
~~grant.~~ 57317

(2) If the department implements an instrument-based program 57318
monitoring information system, it may use an indicator checklist 57319
to comply with division (B)(1) of this section. 57320

~~(3) The department shall contract with a third party by the~~ 57321
~~first day of October in each even numbered year to collect~~ 57322
~~information concerning the amounts charged by the center or home~~ 57323
~~for providing child care services for use in establishing~~ 57324
~~reimbursement ceilings and payment pursuant to section 5104.30 of~~ 57325
~~the Revised Code. The third party shall compile the information~~ 57326
~~and report the results of the survey to the department not later~~ 57327
~~than the first day of December in each even numbered year.~~ 57328

(C) The department may deny an application or revoke a 57329
license of a center, type A home, or licensed type B home, if the 57330
applicant knowingly ~~makes a false statement on the application,~~ 57331
submits falsified information to the department or if the center 57332
or home does not comply with the requirements of this chapter or 57333
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 57334
~~has pleaded guilty to or been convicted of an offense described in~~ 57335
~~division (A)(5) of section 109.572 of the Revised Code.~~ 57336

(D) If the department finds, after notice and hearing 57337
pursuant to Chapter 119. of the Revised Code, that any applicant, 57338
person, firm, organization, institution, or agency applying for 57339
licensure or licensed under section 5104.03 of the Revised Code is 57340
in violation of any provision of this chapter or rules adopted 57341
pursuant to this chapter, the department may issue an order of 57342
denial to the applicant or an order of revocation to the center, 57343
type A home, or licensed type B home revoking the license 57344
previously issued by the department. Upon the issuance of such an 57345
order, the person whose application is denied or whose license is 57346

revoked may appeal in accordance with section 119.12 of the Revised Code. 57347
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(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section. 57349
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(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter. 57355
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(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of 57366
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section 5104.02 of the Revised Code. The court shall grant such 57379
injunctive relief upon a showing that the respondent named in the 57380
complaint is operating a center or type A home and is doing so 57381
without a license. 57382

(H) The department shall prepare an annual report on 57383
inspections conducted under this section. The report shall include 57384
the number of inspections conducted, the number and types of 57385
violations found, and the steps taken to address the violations. 57386
The department shall file the report with the governor, the 57387
president and minority leader of the senate, and the speaker and 57388
minority leader of the house of representatives on or before the 57389
first day of January of each year, beginning in 1999. 57390

Sec. 5104.042. (A) The department of job and family services 57391
may suspend, without a prior hearing, the license of a child 57392
day-care center, type A family day-care home, or licensed type B 57393
family day-care home if any of the following occur: 57394

(1) A child dies or suffers a serious injury while receiving 57395
child care in the center, type A home, or licensed type B home. 57396

(2) A public children services agency receives a report 57397
pursuant to section 2151.421 of the Revised Code, and the person 57398
alleged to have inflicted abuse or neglect on the child who is the 57399
subject of the report is any of the following: 57400

(a) The owner, licensee, or administrator of the center, type 57401
A home, or licensed type B home; 57402

(b) An employee of the center, type A home, or licensed type 57403
B home who has not immediately been placed on administrative leave 57404
or released from employment; 57405

(c) Any person who resides in the type A home or licensed 57406
type B home. 57407

(3) An owner, licensee, administrator, or employee of the 57408

center, type A home, or licensed type B home, or a resident of the 57409
type A home or licensed type B home is charged by an indictment, 57410
information, or complaint with an offense relating to the abuse or 57411
neglect of a child. 57412

(4) The department or a county department of job and family 57413
services determines that the center, type A home, or licensed type 57414
B home created a serious risk to the health or safety of a child 57415
receiving child care in the center, type A home, or licensed type 57416
B home that resulted in or could have resulted in a child's death 57417
or injury. 57418

(5) The department determines that the owner, or licensee, or 57419
administrator of the center, type A home, or licensed type B home 57420
is charged by indictment, information, or complaint with fraud 57421
does not meet the requirements of section 5104.013 of the Revised 57422
Code. 57423

(B) The department shall issue a written order of suspension 57424
and furnish a copy to the licensee either by certified mail or in 57425
person as described in section 119.07 of the Revised Code. The 57426
licensee may ~~appeal the suspension in accordance with section~~ 57427
request an adjudicatory hearing before the department pursuant to 57428
sections 119.06 to 119.12 of the Revised Code. 57429

(C) ~~Except as provided in division (D) of this section, any~~ 57430
Any summary suspension imposed under this section shall remain in 57431
effect, ~~unless reversed on appeal,~~ until any of the following 57432
occurs: 57433

(1) The public children services agency completes its 57434
investigation of the report pursuant to section 2151.421 of the 57435
Revised Code and determines that all of the allegations are 57436
unsubstantiated. 57437

(2) All criminal charges are disposed of through dismissal, 57438
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 57439

(3) ~~A final order is issued by the~~ The department issues 57440
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 57441
final order terminating the suspension. 57442

(D) ~~If the department initiates the revocation of a license~~ 57443
~~that has been suspended pursuant to this section, the suspension~~ 57444
~~shall continue until the revocation process is completed.~~ 57445

~~(E)~~ The center, type A home, or licensed type B home shall 57446
not provide child care while the summary suspension remains in 57447
effect. Upon issuance of the order of suspension, the licensee 57448
shall inform the caretaker parent of each child receiving child 57449
care in the center, type A home, or licensed type B home of the 57450
suspension. 57451

~~(F)~~(E) The director of job and family services may adopt 57452
rules in accordance with Chapter 119. of the Revised Code 57453
establishing standards and procedures for the summary suspension 57454
of licenses. 57455

(F) This section does not limit the authority of the 57456
department to revoke a license pursuant to section 5104.04 of the 57457
Revised Code. 57458

Sec. 5104.09. No administrator, employee, licensee, or 57459
child-care staff member shall discriminate in the enrollment of 57460
children in a child day-care center, type A home, licensed type B 57461
home, or approved child day camp upon the basis of race, color, 57462
religion, sex, disability, or national origin. 57463

Sec. 5104.12. (A) ~~The~~(1) A county director of job and family 57464
services may certify in-home aides to provide publicly funded 57465
child care pursuant to this chapter and any rules adopted under 57466
it. Any in-home aide who receives a certificate pursuant to this 57467
section to provide publicly funded child care is an independent 57468
contractor and is not an employee of the county department of job 57469

and family services that issues the certificate. 57470

~~(B)(2)~~ Every person desiring to receive certification as an 57471
in-home aide shall apply for certification to ~~the~~ a county 57472
director of job and family services on such forms as the director 57473
of job and family services prescribes. ~~The~~ A county director shall 57474
provide at no charge to each applicant a copy of rules for 57475
certifying in-home aides adopted pursuant to this chapter. 57476

(B) To be eligible for certification as an in-home aide, a 57477
person shall not be either of the following: 57478

(1) The owner of a center or home whose license was revoked 57479
pursuant to section 5104.04 of the Revised Code within the 57480
previous five years; 57481

(2) An in-home aide whose certificate was revoked under 57482
division (C)(2) of this section within the previous five years. 57483

(C)(1) If the county director of job and family services 57484
determines that ~~public funds are available and that the person~~ 57485
applicant complies with this chapter and any rules adopted under 57486
it, the county director shall certify the person as an in-home 57487
aide and issue the person a certificate to provide publicly funded 57488
child care for ~~twelve~~ twenty-four months. The county director 57489
shall furnish a copy of the certificate to the parent, custodian, 57490
or guardian. The certificate shall state the name and address of 57491
the in-home aide, the expiration date of the certification, and 57492
the name and telephone number of the county director who issued 57493
the certificate. 57494

(2) The county director may revoke the certificate in either 57495
of the following circumstances: 57496

(a) The county director determines, pursuant to rules adopted 57497
under Chapter 119. of the Revised Code, that revocation is 57498
necessary; 57499

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 57500
of section 5104.32 of the Revised Code. 57501

(D)(1) The county director of job and family services shall 57502
inspect every home of a child who is receiving publicly funded 57503
child care in the child's own home while the in-home aide is 57504
providing the services. Inspections may be unannounced. Upon 57505
receipt of a complaint, the county director shall investigate the 57506
in-home aide, shall investigate the home of a child who is 57507
receiving publicly funded child care in the child's own home, and 57508
division (D)(2) of this section applies regarding the complaint. 57509
The caretaker parent shall permit the county director to inspect 57510
any part of the child's home. The county director shall prepare a 57511
written inspection report and furnish one copy each to the in-home 57512
aide and the caretaker parent within a reasonable time after the 57513
inspection. 57514

(2) Upon receipt of a complaint as described in division 57515
(D)(1) of this section, in addition to the investigations that are 57516
required under that division, both of the following apply: 57517

(a) If the complaint alleges that a child suffered physical 57518
harm while receiving publicly funded child care in the child's own 57519
home from an in-home aide or that the noncompliance with law or 57520
act alleged in the complaint involved, resulted in, or poses a 57521
substantial risk of physical harm to a child receiving publicly 57522
funded child care in the child's own home from an in-home aide, 57523
the county director shall inspect the home of the child. 57524

(b) If division (D)(2)(a) of this section does not apply 57525
regarding the complaint, the county director may inspect the home 57526
of the child. 57527

(3) Division (D)(2) of this section does not limit, restrict, 57528
or negate any duty of the county director to inspect a home of a 57529
child who is receiving publicly funded child care from an in-home 57530

aide that otherwise is imposed under this section, or any 57531
authority of the county director to inspect such a home that 57532
otherwise is granted under this section when the county director 57533
believes the inspection is necessary and it is permitted under the 57534
grant. 57535

Sec. 5104.21. (A) The department of job and family services 57536
shall register child day camps and enforce this section and 57537
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 57538
rules adopted pursuant to those sections. No person, firm, 57539
organization, institution, or agency shall operate a child day 57540
camp without annually registering with the department. 57541

(B) A person, firm, institution, organization, or agency 57542
operating any of the following programs is exempt from the 57543
provisions of this section and ~~section~~ sections 5104.211 and 57544
5104.22 of the Revised Code: 57545

(1) A child day camp that operates for two ~~or less~~ 57546
consecutive weeks or less and for no more than a total of two 57547
weeks during each calendar year; 57548

(2) Supervised training, instruction, or activities of 57549
children that is conducted on an organized or periodic basis ~~no~~ 57550
~~more than one day a week and for no more than six hours' duration~~ 57551
~~and that is conducted~~ in specific areas or in a combination of 57552
areas for a maximum of eight hours each week, including, but not 57553
~~limited to, art; drama; dance; music; gymnastics, swimming, or~~ 57554
~~another,~~ athletic skill or sport; computers; or an educational 57555
subject; 57556

(3) Programs in which the department determines that at least 57557
one parent, custodian, or guardian of each child attending or 57558
participating in the child day camp is on the child day camp 57559
activity site and is readily accessible at all times, except that 57560
a child day camp on the premises of a parent's, custodian's, or 57561

guardian's place of employment shall be registered in accordance 57562
with division (A) of this section; 57563

(4) Child day camps ~~funded and regulated or operated and~~ 57564
~~regulated by any state department, other than the department of~~ 57565
~~job and family services, when the department of job and family~~ 57566
~~services has determined that the rules governing the child day~~ 57567
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 57568
~~this section and section 5104.22;~~ 57569

(5) A program that provides activities for children who are 57570
five years of age or older and is operated by any county, 57571
township, municipal corporation, township park district created 57572
under section 511.18 of the Revised Code, park district created 57573
under section 1545.04 of the Revised Code, or joint recreation 57574
district established under section 755.04 of the Revised Code. 57575

(C) A person, firm, organization, institution, or agency 57576
operating a child day camp that is exempt under division (B) of 57577
this section from registering under division (A) of this section 57578
may elect to register itself under division (A) of this section. 57579
All requirements of this section and the rules adopted pursuant to 57580
this section shall apply to any exempt child day camp that so 57581
elects to register. 57582

(D) The director of job and family services shall adopt 57583
pursuant to Chapter 119. of the Revised Code rules prescribing the 57584
registration form and establishing the procedure for the child day 57585
camps to register. The form shall ~~not be longer than one~~ 57586
~~typewritten page and shall~~ state both of the following: 57587

(1) That the child day camp administrator or the 57588
administrator's representative agrees to provide the parents of 57589
each school-age child who attends or participates in that child 57590
day camp with the telephone number of the county department of 57591
health and the public children services agency of the county in 57592

which the child day camp is located; 57593

(2) That the child day camp administrator or the 57594
administrator's representative agrees to permit a public children 57595
services agency or the county department of health to review or 57596
inspect the child day camp if a complaint is made to that 57597
department or any other state department or public children 57598
services agency against that child day camp. 57599

(E) The department may charge a fee to register a child day 57600
camp. The fee for each child day camp shall be twenty-five 57601
dollars. No organization that operates, or owner of, child day 57602
camps shall pay a fee that exceeds two hundred fifty dollars for 57603
all of its child day camps. 57604

(F) If a child day camp that is required to register under 57605
this section fails to register with the department in accordance 57606
with this section or the rules adopted pursuant to it or if a 57607
child day camp that files a registration form under this section 57608
knowingly provides false or misleading information on the 57609
registration form, the department shall require the child day camp 57610
to register or register correctly and to pay a registration fee 57611
that equals three times the registration fee as set forth in 57612
division (E) of this section. 57613

(G) A child day camp administrator or the administrator's 57614
representative shall provide the parents of each school-age child 57615
who attends or participates in that child day camp with both of 57616
the ~~telephone~~ following: 57617

(1) Telephone numbers of the county department of health and 57618
the county public children services agency of the county in which 57619
the child day camp is located ~~and a~~; 57620

(2) A statement that the parents may ~~use these telephone~~ 57621
~~numbers to contact or otherwise contact~~ the ~~departments~~ county 57622
department or agency to make a complaint regarding the child day 57623

camp. 57624

Sec. 5104.211. (A) The director of job and family services 57625
may periodically conduct a random sampling of child day camps to 57626
determine compliance with section 5104.013 of the Revised Code. 57627

(B)(1) No child day camp shall fail to comply with section 57628
5104.013 of the Revised Code in regards to a person it appoints or 57629
employs. 57630

(2) If the director determines that a camp has violated 57631
division (B)(1) of this section, the director shall do both of the 57632
following: 57633

(a) Consider imposing a civil penalty on the camp in an 57634
amount that shall not exceed ten per cent of the camp's gross 57635
revenues for the full month immediately preceding the month in 57636
which the violation occurred. If the camp was not operating for 57637
the entire calendar month preceding the month in which the 57638
violation occurred, the penalty shall be five hundred dollars. 57639

(b) Order the camp to initiate a criminal records check of 57640
the person who is the subject of the violation within a specified 57641
period of time. 57642

(3) If, within the specified period of time, the camp fails 57643
to comply with an order to initiate a criminal records check of 57644
the person who is the subject of the violation or to release the 57645
person from the appointment or employment, the director shall do 57646
both of the following: 57647

(a) Impose a civil penalty in an amount that is not less than 57648
the amount previously imposed and that does not exceed twice the 57649
amount permitted by division (B)(2)(a) of this section; 57650

(b) Order the camp to initiate a criminal records check of 57651
the person who is the subject of the violation within a specified 57652
period of time. 57653

(C) If the director determines that a child day camp has 57654
violated division (B)(1) of this section, the director may post a 57655
notice at a prominent place at the camp that states that the camp 57656
has failed to conduct criminal records checks of its appointees or 57657
employees as required by section 5104.013 of the Revised Code. 57658
Once the camp demonstrates to the department that the camp is in 57659
compliance with that section, the director shall permit the camp 57660
to remove the notice. 57661

(D) The director may include on the web site of the 57662
department of job and family services a list of child day camps 57663
that the director has determined to not be in compliance with the 57664
criminal records check requirements of section 5104.013 of the 57665
Revised Code. The director shall remove a camp's name from the 57666
list when the camp demonstrates to the director that the camp is 57667
in compliance with that section. 57668

(E) For the purposes of divisions (C) and (D) of this 57669
section, a child day camp will be considered to be in compliance 57670
with section 5104.013 of the Revised Code by doing any of the 57671
following: 57672

(1) Requesting that the bureau of criminal identification and 57673
investigation conduct a criminal records check regarding the 57674
person who is the subject of the violation of division (B)(1) of 57675
this section and, if the person does not qualify for the 57676
appointment or employment, releasing the person from the 57677
appointment or employment; 57678

(2) Releasing the person who is the subject of the violation 57679
from the appointment or employment. 57680

(F) The attorney general shall commence and prosecute to 57681
judgment a civil action in a court of competent jurisdiction to 57682
collect any civil penalty imposed under this section that remains 57683
unpaid. 57684

(G) This section does not apply to a child day camp that is 57685
an approved child day camp. 57686

Sec. 5104.22. (A) The director of job and family services, no 57687
later than September 1, 1993, and pursuant to Chapter 119. of the 57688
Revised Code, shall adopt rules establishing a procedure and 57689
standards for the approval of child day camps that will enable an 57690
approved child day camp to receive public moneys pursuant to 57691
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 57692
~~standards shall be similar and comparable to the procedure and~~ 57693
~~standards for accrediting child day camps used by the American~~ 57694
~~camping association.~~ The department of job and family services may 57695
charge a reasonable fee to inspect a child day camp to determine 57696
whether that child day camp meets the standards set forth in this 57697
section or in the rules adopted under this section. The department 57698
shall approve any child day camp that ~~the~~ meets both of the 57699
following: 57700

(1) The department inspects and approves, that the camp and 57701
determines that it meets the standards established in rules 57702
adopted under this section; 57703

(2) The camp is accredited by the American camping camp 57704
~~association inspects and accredits, or that is inspected and~~ 57705
~~accredited by any~~ a nationally recognized organization that 57706
accredits child day camps by using standards that the department 57707
has determined are substantially similar and comparable to those 57708
of the American ~~camping~~ camp association. The department shall 57709
approve a child day camp for ~~no longer than two years~~ a period of 57710
one year and shall inspect an approved child day camp ~~no less than~~ 57711
biennially on an annual basis. 57712

(B) An approved child day camp shall comply with this section 57713
and section 5104.21 of the Revised Code and the rules adopted 57714
pursuant to those sections. If an approved child day camp is not 57715

in substantial compliance with those sections or rules at any 57716
time, the department shall terminate the child day camp's approval 57717
until the child day camp complies with those sections and rules or 57718
for a period of two years, whichever period is longer. 57719

Sec. 5104.29. (A) As used in this section, "early learning 57720
and development program" has the same meaning as "licensed child 57721
care program" as defined in section 5104.01 of the Revised Code. 57722

(B) There is hereby created in the department of job and 57723
family services the step up to quality program, under which the 57724
department of job and family services, in cooperation with the 57725
department of education, shall develop a tiered quality rating and 57726
improvement system for all early learning and development programs 57727
in this state. The step up to quality program shall include all of 57728
the following components: 57729

(1) Quality program standards for early learning and 57730
development programs; 57731

(2) Accountability measures that include tiered ratings 57732
representing each program's level of quality; 57733

(3) Program and provider outreach and support to help 57734
programs meet higher standards and promote participation in the 57735
step up to quality program; 57736

(4) Financial incentives for early learning and development 57737
programs that provide publicly funded child care and are linked to 57738
achieving and maintaining quality standards; 57739

(5) Parent and consumer education to help parents learn about 57740
program quality and ratings so they can make informed choices on 57741
behalf of their children. 57742

(C) The step up to quality program shall have the following 57743
goals: 57744

(1) Increasing the number of low-income children, special 57745

needs children, and children with limited English proficiency 57746
participating in quality early learning and development programs; 57747

(2) Providing families with an easy-to-use tool for 57748
evaluating the quality of early learning and development programs; 57749

(3) Recognizing and supporting early learning and development 57750
programs that achieve higher levels of quality; 57751

(4) Providing incentives and supports to help early learning 57752
and development programs implement continuous quality improvement 57753
systems. 57754

(D) Under the step up to quality program, participating early 57755
learning and development programs may be eligible for grants, 57756
technical assistance, training, and other assistance. Programs 57757
that maintain a quality rating may be eligible for unrestricted 57758
monetary awards. 57759

(E) The tiered ratings developed pursuant to this section 57760
shall be based on an early learning and development program's 57761
performance in meeting program standards in the following four 57762
domains: 57763

(1) Learning and development; 57764

(2) Administration and leadership practices; 57765

(3) Staff quality and professional development; 57766

(4) Family and community partnerships. 57767

(F) The director of job and family services, in collaboration 57768
with the superintendent of public instruction, shall adopt rules 57769
in accordance with Chapter 119. of the Revised Code to implement 57770
the step up to quality program described in this section. 57771

(G)(1) The department of job and family services shall ensure 57772
that the following percentages of early learning and development 57773
programs ~~that are not type B family day care homes and that~~ 57774
provide publicly funded child care are rated in the third highest 57775

tier or above in the step up to quality program:	57776
(a) By June 30, 2017, twenty-five per cent;	57777
(b) By June 30, 2019, forty per cent;	57778
(c) By June 30, 2021, sixty per cent;	57779
(d) By June 30, 2023, eighty per cent;	57780
(e) By June 30, 2025, one hundred per cent.	57781
(2) The department of job and family services and the	57782
department of education shall identify ways to accelerate early	57783
learning and development programs moving to higher tiers in the	57784
step up to quality program and identify strategies for appropriate	57785
ratings of type B homes. The departments may consult with the	57786
early childhood advisory council established pursuant to section	57787
3301.90 of the Revised Code to facilitate their efforts and shall	57788
include owners and administrators of early learning and	57789
development programs in the identification process. The	57790
departments shall report their recommendations to the general	57791
assembly not later than October 31, 2016 <u>This division does not</u>	57792
<u>apply to early learning and development programs that are either</u>	57793
<u>of the following:</u>	57794
<u>(a) Licensed type B family day-care homes;</u>	57795
<u>(b) Providers described in division (C)(2) of section 5104.31</u>	57796
<u>of the Revised Code.</u>	57797
Sec. 5104.30. (A) The department of job and family services	57798
is hereby designated as the state agency responsible for	57799
administration and coordination of federal and state funding for	57800
publicly funded child care in this state. Publicly funded child	57801
care shall be provided to the following:	57802
(1) Recipients of transitional child care as provided under	57803
section 5104.34 of the Revised Code;	57804

(2) Participants in the Ohio works first program established 57805
under Chapter 5107. of the Revised Code; 57806

(3) Individuals who would be participating in the Ohio works 57807
first program if not for a sanction under section 5107.16 of the 57808
Revised Code and who continue to participate in a work activity, 57809
developmental activity, or alternative work activity pursuant to 57810
an assignment under section 5107.42 of the Revised Code; 57811

(4) A family receiving publicly funded child care on October 57812
1, 1997, until the family's income reaches one hundred fifty per 57813
cent of the federal poverty line; 57814

(5) Subject to available funds, other individuals determined 57815
eligible in accordance with rules adopted under section 5104.38 of 57816
the Revised Code. 57817

The department shall apply to the United States department of 57818
health and human services for authority to operate a coordinated 57819
program for publicly funded child care, if the director of job and 57820
family services determines that the application is necessary. For 57821
purposes of this section, the department of job and family 57822
services may enter into agreements with other state agencies that 57823
are involved in regulation or funding of child care. The 57824
department shall consider the special needs of migrant workers 57825
when it administers and coordinates publicly funded child care and 57826
shall develop appropriate procedures for accommodating the needs 57827
of migrant workers for publicly funded child care. 57828

(B) The department of job and family services shall 57829
distribute state and federal funds for publicly funded child care, 57830
including appropriations of state funds for publicly funded child 57831
care and appropriations of federal funds available under the child 57832
care block grant act, Title IV-A, and Title XX. The department may 57833
use any state funds appropriated for publicly funded child care as 57834
the state share required to match any federal funds appropriated 57835

for publicly funded child care. 57836

(C) In the use of federal funds available under the child 57837
care block grant act, all of the following apply: 57838

(1) The department may use the federal funds to hire staff to 57839
prepare any rules required under this chapter and to administer 57840
and coordinate federal and state funding for publicly funded child 57841
care. 57842

(2) Not more than five per cent of the aggregate amount of 57843
the federal funds received for a fiscal year may be expended for 57844
administrative costs. 57845

(3) The department shall allocate and use at least four per 57846
cent of the federal funds for the following: 57847

(a) Activities designed to provide comprehensive consumer 57848
education to parents and the public; 57849

(b) Activities that increase parental choice; 57850

(c) Activities, including child care resource and referral 57851
services, designed to improve the quality, and increase the 57852
supply, of child care; 57853

(d) Establishing the step up to quality program pursuant to 57854
section 5104.29 of the Revised Code. 57855

(4) The department shall ensure that the federal funds will 57856
be used only to supplement, and will not be used to supplant, 57857
federal, state, and local funds available on the effective date of 57858
the child care block grant act for publicly funded child care and 57859
related programs. If authorized by rules adopted by the department 57860
pursuant to section 5104.42 of the Revised Code, county 57861
departments of job and family services may purchase child care 57862
from funds obtained through any other means. 57863

(D) The department shall encourage the development of 57864
suitable child care throughout the state, especially in areas with 57865

high concentrations of recipients of public assistance and 57866
families with low incomes. The department shall encourage the 57867
development of suitable child care designed to accommodate the 57868
special needs of migrant workers. On request, the department, 57869
through its employees or contracts with state or community child 57870
care resource and referral service organizations, shall provide 57871
consultation to groups and individuals interested in developing 57872
child care. The department of job and family services may enter 57873
into interagency agreements with the department of education, the 57874
chancellor of higher education, the department of development, and 57875
other state agencies and entities whenever the cooperative efforts 57876
of the other state agencies and entities are necessary for the 57877
department of job and family services to fulfill its duties and 57878
responsibilities under this chapter. 57879

The department shall develop and maintain a registry of 57880
persons providing child care. The director shall adopt rules in 57881
accordance with Chapter 119. of the Revised Code establishing 57882
procedures and requirements for the registry's administration. 57883

(E)(1) The director shall adopt rules in accordance with 57884
Chapter 119. of the Revised Code establishing both of the 57885
following: 57886

(a) Reimbursement ceilings for providers of publicly funded 57887
child care not later than the first day of July in each 57888
odd-numbered year; 57889

(b) A procedure for reimbursing and paying providers of 57890
publicly funded child care. 57891

(2) In establishing reimbursement ceilings under division 57892
(E)(1)(a) of this section, the director shall do all of the 57893
following: 57894

(a) Use the information obtained ~~under division (B)(3) of~~ 57895
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 57896

<u>98.45;</u>	57897
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	57898 57899 57900
(c) For an in-home aide, establish an hourly reimbursement ceiling;	57901 57902
(d) (c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, do both of the following:	57903 57904 57905
(i) Establish enhanced reimbursement ceilings for child day-care providers that participate in the program and maintain quality ratings;	57906 57907 57908
(ii) Weigh any reduction in reimbursement ceilings more heavily against providers that do not participate in the program or do not maintain quality ratings.	57909 57910 57911
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	57912 57913 57914
(a) Geographic location of the provider;	57915
(b) Type of care provided;	57916
(c) Age of the child served;	57917
(d) Special needs of the child served;	57918
(e) Whether the expanded hours of service are provided;	57919
(f) Whether weekend service is provided;	57920
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	57921 57922
(h) Any other factors the director considers appropriate.	57923
Sec. 5104.31. (A) Publicly funded child care may be provided	57924

only by the following: 57925

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 57926

(a) A child day-care center, including a parent cooperative child day-care center; 57930

(b) A type A family day-care home, including a parent cooperative type A family day-care home; 57932

(c) A licensed type B family day-care home. 57934

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 57935

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 57938

(4) A licensed preschool program; 57940

(5) A licensed school child program; 57941

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 57942

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide. 57946

(C)(1) Beginning July 1, 2020, and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care ~~may be provided only by a provider that~~ if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 57948

(2) A licensed child care program that is any of the 57954
following may provide publicly funded child care without being 57955
rated through the step up to quality program: 57956

(a) A program that operates only during the summer and for 57957
not more than fifteen consecutive weeks; 57958

(b) A program that operates only during school breaks; 57959

(c) A program that operates only on weekday evenings, 57960
weekends, or both; 57961

(d) A program that holds a provisional license issued under 57962
section 5104.03 of the Revised Code; 57963

(e) A program that had its step up to quality program rating 57964
removed by the department of job and family services within the 57965
previous twelve months; 57966

(f) A program that is the subject of a revocation action 57967
initiated by the department, but the license has not yet been 57968
revoked. 57969

Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 57970
~~section, all~~ All purchases of publicly funded child care shall be 57971
made under a contract entered into by a licensed child day-care 57972
center, licensed type A family day-care home, licensed type B 57973
family day-care home, certified in-home aide, approved child day 57974
camp, licensed preschool program, licensed school child program, 57975
or border state child care provider and the department of job and 57976
family services. All contracts for publicly funded child care 57977
shall be contingent upon the availability of state and federal 57978
funds. The department shall prescribe a standard form to be used 57979
for all contracts for the purchase of publicly funded child care, 57980
regardless of the source of public funds used to purchase the 57981
child care. To the extent permitted by federal law and 57982
notwithstanding any other provision of the Revised Code that 57983

regulates state contracts or contracts involving the expenditure 57984
of state or federal funds, all contracts for publicly funded child 57985
care shall be entered into in accordance with the provisions of 57986
this chapter and are exempt from any other provision of the 57987
Revised Code that regulates state contracts or contracts involving 57988
the expenditure of state or federal funds. 57989

(B) Each contract for publicly funded child care shall 57990
specify at least the following: 57991

(1) That the provider of publicly funded child care agrees to 57992
be paid for rendering services at the lower of the rate 57993
customarily charged by the provider for children enrolled for 57994
child care or the reimbursement ceiling or rate of payment 57995
established pursuant to section 5104.30 of the Revised Code; 57996

(2) That, if a provider provides child care to an individual 57997
potentially eligible for publicly funded child care who is 57998
subsequently determined to be eligible, the department agrees to 57999
pay for all child care provided between the date the county 58000
department of job and family services receives the individual's 58001
completed application and the date the individual's eligibility is 58002
determined; 58003

(3) Whether the county department of job and family services, 58004
the provider, or a child care resource and referral service 58005
organization will make eligibility determinations, whether the 58006
provider or a child care resource and referral service 58007
organization will be required to collect information to be used by 58008
the county department to make eligibility determinations, and the 58009
time period within which the provider or child care resource and 58010
referral service organization is required to complete required 58011
eligibility determinations or to transmit to the county department 58012
any information collected for the purpose of making eligibility 58013
determinations; 58014

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource~~

~~and referral service organizations that make determinations of 58047
eligibility for publicly funded child care pursuant to contracts 58048
entered into under section 5104.34 of the Revised Code for the 58049
providers or resource and referral service organizations to 58050
provide the certificates to individuals whom they determine are 58051
eligible for publicly funded child care. 58052~~

~~For each six month period a provider of publicly funded child 58053
care provides publicly funded child care to the child of an 58054
individual given certificates, the individual shall provide the 58055
provider certificates for days the provider would have provided 58056
publicly funded child care to the child had the child been 58057
present. The maximum number of days providers shall be provided 58058
certificates shall not exceed ten days in a six month period 58059
during which publicly funded child care is provided to the child 58060
regardless of the number of providers that provide publicly funded 58061
child care to the child during that period. 58062~~

~~(D)(1) The department shall establish the Ohio electronic an 58063
automated child care system to track attendance and calculate 58064
payments for publicly funded child care. The system shall include 58065
issuing an electronic child care card to each caretaker parent to 58066
swipe through a point of service device issued to an eligible 58067
provider, as described in section 5104.31 of the Revised Code. 58068~~

(2) Each eligible provider that provides publicly funded 58069
child care shall participate in the Ohio electronic automated 58070
child care system. A provider participating in the system shall 58071
not do any of the following: 58072

(a) Use or have possession of an electronic child care card a 58073
personal identification number or password issued to a caretaker 58074
parent under the automated child care system; 58075

(b) Falsify attendance records; 58076

(c) Knowingly seek or accept payment for publicly funded 58077

child care that was not provided or for which the provider was not 58078
eligible; 58079

(d) ~~Knowingly accept reimbursement for publicly funded child~~ 58080
~~care that was not provided~~ seek or accept payment for child care 58081
provided to a child who resides in the provider's own home. 58082

(D) The department may withhold any money due under this 58083
chapter and may recover through any appropriate method any money 58084
erroneously paid under this chapter if evidence demonstrates that 58085
a provider of publicly funded child care failed to comply with 58086
either of the following: 58087

(1) The terms of the contract entered into under this 58088
section; 58089

(2) This chapter or any rules adopted under it. 58090

(E) If the department has evidence that a provider has 58091
employed an individual who is ineligible for employment under 58092
section 5104.013 of the Revised Code and the provider has not 58093
released the individual from employment upon notice that the 58094
individual is ineligible, the department may terminate immediately 58095
the contract entered into under this section to provide publicly 58096
funded child care. 58097

(F) Any decision by the department concerning publicly funded 58098
child care, including the recovery of funds, overpayment 58099
determinations, and contract terminations is final and is not 58100
subject to appeal, hearing, or further review under Chapter 119. 58101
of the Revised Code. 58102

Sec. 5104.34. (A)(1) Each county department of job and family 58103
services shall implement procedures for making determinations of 58104
eligibility for publicly funded child care. Under those 58105
procedures, the eligibility determination for each applicant shall 58106
be made no later than thirty calendar days from the date the 58107

county department receives a completed application for publicly 58108
funded child care. Each applicant shall be notified promptly of 58109
the results of the eligibility determination. An applicant 58110
aggrieved by a decision or delay in making an eligibility 58111
determination may appeal the decision or delay to the department 58112
of job and family services in accordance with section 5101.35 of 58113
the Revised Code. The due process rights of applicants shall be 58114
protected. 58115

To the extent permitted by federal law, the county department 58116
may make all determinations of eligibility for publicly funded 58117
child care, may contract with child care providers or child care 58118
resource and referral service organizations for the providers or 58119
resource and referral service organizations to make all or any 58120
part of the determinations, and may contract with child care 58121
providers or child care resource and referral service 58122
organizations for the providers or resource and referral service 58123
organizations to collect specified information for use by the 58124
county department in making determinations. If a county department 58125
contracts with a child care provider or a child care resource and 58126
referral service organization for eligibility determinations or 58127
for the collection of information, the contract shall require the 58128
provider or resource and referral service organization to make 58129
each eligibility determination no later than thirty calendar days 58130
from the date the provider or resource and referral organization 58131
receives a completed application that is the basis of the 58132
determination and to collect and transmit all necessary 58133
information to the county department within a period of time that 58134
enables the county department to make each eligibility 58135
determination no later than thirty days after the filing of the 58136
application that is the basis of the determination. 58137

The county department may station employees of the department 58138
in various locations throughout the county to collect information 58139

relevant to applications for publicly funded child care and to 58140
make eligibility determinations. The county department, child care 58141
provider, and child care resource and referral service 58142
organization shall make each determination of eligibility for 58143
publicly funded child care no later than thirty days after the 58144
filing of the application that is the basis of the determination, 58145
shall make each determination in accordance with any relevant 58146
rules adopted pursuant to section 5104.38 of the Revised Code, and 58147
shall notify promptly each applicant for publicly funded child 58148
care of the results of the determination of the applicant's 58149
eligibility. 58150

The director of job and family services shall adopt rules in 58151
accordance with Chapter 119. of the Revised Code for monitoring 58152
the eligibility determination process. In accordance with those 58153
rules, the state department shall monitor eligibility 58154
determinations made by county departments of job and family 58155
services and shall direct any entity that is not in compliance 58156
with this division or any rule adopted under this division to 58157
implement corrective action specified by the department. 58158

(2)(a) All eligibility determinations for publicly funded 58159
child care shall be made in accordance with rules adopted pursuant 58160
to division (A) of section 5104.38 of the Revised Code. Except as 58161
otherwise provided in this section, both of the following apply: 58162

(i) Publicly funded child care may be provided only to 58163
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 58164
children under age thirteen, or children receiving special needs 58165
child care. 58166

(ii) For an applicant to be eligible for publicly funded 58167
child care, the caretaker parent must be employed or participating 58168
in a program of education or training for an amount of time 58169
reasonably related to the time that the parent's children are 58170
receiving publicly funded child care. This restriction does not 58171

apply to families whose children are eligible for protective child care. 58172
58173

(b) In accordance with rules adopted under division (B) of 58174
section 5104.38 of the Revised Code, an applicant may receive 58175
publicly funded child care while the county department determines 58176
eligibility. An applicant may receive publicly funded child care 58177
while a county department determines eligibility only once during 58178
a twelve-month period. If the county department determines that an 58179
applicant is not eligible for publicly funded child care, the 58180
~~licensed~~ child care ~~program~~ provider shall be paid for providing 58181
publicly funded child care for up to five days after that 58182
determination if the county department received a completed 58183
application with all required documentation. A program may appeal 58184
a denial of payment under this division. 58185

(c) If a caretaker parent who has been determined eligible to 58186
receive publicly funded child care no longer meets the 58187
requirements of division (A)(2)(a)(ii) of this section, the 58188
caretaker parent may continue to receive publicly funded child 58189
care for a period of up to thirteen weeks not to extend beyond the 58190
caretaker parent's twelve-month eligibility period. ~~Such~~ 58191
~~authorization may be given only once during a twelve-month period.~~ 58192

(d) If a child turns thirteen, or if a child receiving 58193
special needs child care turns eighteen, during the twelve-month 58194
eligibility period, the caretaker parent may continue to receive 58195
publicly funded child care until the end of that twelve-month 58196
period. 58197

Subject to available funds, the department of job and family 58198
services shall allow a family to receive publicly funded child 58199
care unless the family's income exceeds the maximum income 58200
eligibility limit. Initial and continued eligibility for publicly 58201
funded child care is subject to available funds unless the family 58202
is receiving child care pursuant to division (A)(1), (2), (3), or 58203

(4) of section 5104.30 of the Revised Code. If the department must 58204
limit eligibility due to lack of available funds, it shall give 58205
first priority for publicly funded child care to an assistance 58206
group whose income is not more than the maximum income eligibility 58207
limit that received transitional child care in the previous month 58208
but is no longer eligible because the twelve-month period has 58209
expired. Such an assistance group shall continue to receive 58210
priority for publicly funded child care until its income exceeds 58211
the maximum income eligibility limit. 58212

(3) An assistance group that ceases to participate in the 58213
Ohio works first program established under Chapter 5107. of the 58214
Revised Code is eligible for transitional child care at any time 58215
during the immediately following twelve-month period that both of 58216
the following apply: 58217

(a) The assistance group requires child care due to 58218
employment; 58219

(b) The assistance group's income is not more than one 58220
hundred fifty per cent of the federal poverty line. 58221

An assistance group ineligible to participate in the Ohio 58222
works first program pursuant to section 5101.83 or section 5107.16 58223
of the Revised Code is not eligible for transitional child care. 58224

(B) To the extent permitted by federal law, the department of 58225
job and family services may require a caretaker parent determined 58226
to be eligible for publicly funded child care to pay a fee 58227
according to the schedule of fees established in rules adopted 58228
under section 5104.38 of the Revised Code. The department shall 58229
make protective child care services and homeless child care 58230
services available to children without regard to the income or 58231
assets of the caretaker parent of the child. 58232

(C) A caretaker parent receiving publicly funded child care 58233
shall report to the entity that determined eligibility any changes 58234

in status with respect to employment or participation in a program 58235
of education or training not later than ten calendar days after 58236
the change occurs. 58237

(D) If the department of job and family services determines 58238
that available resources are not sufficient to provide publicly 58239
funded child care to all eligible families who request it, the 58240
department may establish a waiting list. The department may 58241
establish separate waiting lists within the waiting list based on 58242
income. 58243

(E) A caretaker parent shall not receive ~~full-time~~ publicly 58244
funded child care from more than one child care provider per child 58245
during a week, unless a county department grants the family an 58246
exemption for one of the following reasons: 58247

~~(a)~~(1) The child needs additional care during non-traditional 58248
hours; 58249

~~(b)~~(2) The child needs to change providers in the middle of 58250
the week and the hours of care provided by the providers do not 58251
overlap; 58252

~~(c)~~(3) The child's provider is closed on scheduled school 58253
days off or on calamity days; 58254

~~(d)~~(4) The child is enrolled in a part-time program 58255
participating in the tiered quality rating and improvement system 58256
established under section ~~5104.30~~ 5104.29 of the Revised Code and 58257
needs care from an additional part-time provider. 58258

(F) As used in this section, "maximum income eligibility 58259
limit" means the amount of income specified in rules adopted under 58260
division (A) of section 5104.38 of the Revised Code. 58261

Sec. 5104.38. In addition to any other rules adopted under 58262
this chapter, the director of job and family services shall adopt 58263
rules in accordance with Chapter 119. of the Revised Code 58264

governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a ~~licensed~~ child care ~~program~~ provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;	58297 58298 58299
(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	58300 58301 58302 58303 58304
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	58305 58306
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	58307 58308
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	58309 58310
(J) A definition of "person who stands in loco parentis" for the purposes of division (JJ)(1) <u>(LL)(3)</u> of section 5104.01 of the Revised Code;	58311 58312 58313
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	58314 58315 58316 58317 58318
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	58319 58320 58321 58322 58323
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment	58324 58325 58326

orientation activities, or taking part in activities in 58327
anticipation of enrolling in or attending an education or training 58328
program or activity, if the employment or the education or 58329
training program or activity is expected to begin within the 58330
thirty-day period; 58331

(N) Any other rules necessary to carry out sections 5104.30 58332
to 5104.43 of the Revised Code. 58333

Sec. 5104.41. A child and the child's caretaker ~~who either~~ 58334
~~temporarily reside in a facility providing emergency shelter for~~ 58335
~~homeless families or are determined by the county department of~~ 58336
~~job and family services to be homeless, and~~ who are otherwise 58337
ineligible for publicly funded child care, are eligible for 58338
protective homeless child care for the lesser of the following: 58339

(A) ~~Ninety~~ Not more than ninety days; 58340

(B) The period of time they reside in ~~the~~ a facility 58341
providing emergency shelter, ~~if they qualified for protective~~ 58342
~~child care because they reside in the shelter,~~ for homeless 58343
families or the period of time in which the county department 58344
determines they are homeless. 58345

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 58346
Revised Code shall be punished as follows: 58347

(1) For each offense, the offender shall be fined not less 58348
than one hundred dollars nor more than five hundred dollars 58349
multiplied by the number of children receiving child care at the 58350
child day-care center or type A family day-care home that either 58351
exceeds the number of children to which a type B family day-care 58352
home may provide child care or, if the offender is a licensed type 58353
A family day-care home that is operating as a child day-care 58354
center without being licensed as a center, exceeds the license 58355
capacity of the type A home. 58356

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the

provision of child care to any person until it obtains a child 58389
day-care center license or a type A family day-care home license, 58390
as appropriate, under section 5104.03 of the Revised Code. The 58391
court shall impose the fine specified in division (A)(1) of this 58392
section and may impose an additional fine provided that the total 58393
amount of the fines so imposed does not exceed the maximum fine 58394
authorized for a felony of the fifth degree under section 2929.18 58395
of the Revised Code. 58396

~~(B) Whoever violates division (M)(4) of section 5104.013 of 58397
the Revised Code is guilty of a misdemeanor of the first degree. 58398
If the offender is a licensee of a center, type A home, or 58399
licensed type B home, the conviction shall constitute grounds for 58400
denial or revocation of an application for licensure pursuant to 58401
section 5104.04 of the Revised Code. Except as otherwise provided 58402
in this division, the offense established under division (M)(4) of 58403
section 5104.013 of the Revised Code is a strict liability 58404
offense, and section 2901.20 of the Revised Code does not apply. 58405
If the offender is a person eighteen years of age or older 58406
residing in a type A home or licensed type B home or is an 58407
employee of a center, type A home, or licensed type B home and if 58408
the licensee had knowledge of, and acquiesced in, the commission 58409
of the offense, the conviction shall constitute grounds for denial 58410
or revocation of an application for licensure pursuant to section 58411
5104.04 of the Revised Code. 58412~~

~~(C) Whoever violates section 5104.09 of the Revised Code is 58413
guilty of a misdemeanor of the third degree. 58414~~

Sec. 5119.185. (A) As used in this section, "physician": 58415

(1) "Advanced practice registered nurse" has the same meaning 58416
as in section 4723.01 of the Revised Code. 58417

(2) "Clinician" means any of the following: 58418

<u>(a) An advanced practice registered nurse;</u>	58419
<u>(b) A physician;</u>	58420
<u>(c) A physician assistant.</u>	58421
<u>(3) "Physician" means an individual authorized under Chapter</u>	58422
<u>4731. of the Revised Code to practice medicine and surgery or</u>	58423
<u>osteopathic medicine and surgery.</u>	58424
<u>(4) "Physician assistant" means an individual who holds a</u>	58425
<u>current, valid license to practice as a physician assistant issued</u>	58426
<u>under Chapter 4730. of the Revised Code.</u>	58427
(B) The department of mental health and addiction services	58428
may establish a physician <u>clinician</u> recruitment program under	58429
which the department agrees to repay all or part of the principal	58430
and interest of a government or other educational loan incurred by	58431
a physician <u>clinician</u> who agrees to provide services to inpatients	58432
and outpatients of institutions under the department's	58433
administration. To be eligible to participate in the program, a	58434
physician <u>clinician</u> must have attended <u>the following:</u>	58435
<u>(1) In the case of a physician,</u> a school that was, at the	58436
time of attendance, a medical school or osteopathic medical school	58437
in this country accredited by the liason committee on medical	58438
education or the American osteopathic association, or a medical	58439
school or osteopathic medical school located outside this country	58440
that was acknowledged by the world health organization and	58441
verified by a member state of that organization as operating	58442
within that state's jurisdiction;	58443
<u>(2) In the case of a physician assistant, a school that was,</u>	58444
<u>at the time of attendance, accredited by the accreditation review</u>	58445
<u>commission on education for the physician assistant or a regional</u>	58446
<u>or specialized and professional accrediting agency recognized by</u>	58447
<u>the council for higher education accreditation;</u>	58448

(3) In the case of an advanced practice registered nurse, a school that was, at the time of attendance, accredited by a national or regional accrediting organization. 58449
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(C) The department shall enter into a contract with each ~~physician~~ clinician it recruits under this section. Each contract shall include at least the following terms: 58452
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58454

(1) The ~~physician~~ clinician agrees to provide a specified scope of ~~medical or osteopathic medical~~ health care services for a specified number of hours per week and a specified number of years to patients of one or more specified institutions administered by the department. 58455
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(2) The department agrees to repay all or a specified portion of the principal and interest of a government or other educational loan taken by the ~~physician~~ clinician for the following expenses if the ~~physician~~ clinician meets the service obligation agreed to and the expenses were incurred while the ~~physician~~ clinician was enrolled in, for up to a maximum of four years, a school that qualifies the ~~physician~~ clinician to participate in the program: 58460
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(a) Tuition; 58467

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (D) of this section; 58468
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(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (D) of this section. 58472
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(3) The ~~physician~~ clinician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the ~~physician~~ clinician fails to complete the service obligation agreed to or fails to comply with other specified terms of the 58475
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contract. The contract may vary the amount of damages based on the 58480
portion of the ~~physician's~~ clinician's service obligation that 58481
remains uncompleted as determined by the department. 58482

(4) Other terms agreed upon by the parties. 58483

(D) If the department elects to implement the ~~physician~~ 58484
clinician recruitment program, it shall adopt rules in accordance 58485
with Chapter 119. of the Revised Code that establish all of the 58486
following: 58487

(1) Criteria for designating institutions for which 58488
~~physicians~~ clinicians will be recruited; 58489

(2) Criteria for selecting ~~physicians~~ clinicians for 58490
participation in the program; 58491

(3) Criteria for determining the portion of a ~~physician's~~ 58492
clinician's loan that the department will agree to repay; 58493

(4) Criteria for determining reasonable amounts of the 58494
expenses described in divisions (C)(2)(b) and (c) of this section; 58495

(5) Procedures for monitoring compliance by ~~physicians~~ 58496
clinicians with the terms of their contracts; 58497

(6) Any other criteria or procedures necessary to implement 58498
the program. 58499

Sec. 5119.19. (A)(1) As used in this section, ~~"psychotropic:~~ 58500

(a) "Prescribed drug" has the same meaning as in section 58501
5164.01 of the Revised Code. 58502

(b) "Psychotropic drug" means, except as provided in division 58503
(A)(2) of this section, a drug that has the capability of changing 58504
or controlling mental functioning or behavior through direct 58505
pharmacological action. "Psychotropic drug" includes all of the 58506
following: 58507

~~(a)~~(i) Antipsychotic medications, including those 58508

administered or dispensed in a long-acting injectable form; 58509

~~(b)~~(ii) Antidepressant medications; 58510

~~(e)~~(iii) Anti-anxiety medications; 58511

~~(d)~~(iv) Mood stabilizing medications. 58512

(2) "Psychotropic drug" excludes a stimulant prescribed for 58513
the treatment of attention deficit hyperactivity disorder. 58514

(B) There is hereby created the psychotropic drug 58515
reimbursement program. The program shall be administered by the 58516
department of mental health and addiction services. 58517

The purpose of the program is to provide state reimbursement 58518
to counties for the cost of psychotropic drugs that are dispensed 58519
to inmates of county jails in this state. The Each county shall 58520
ensure that inmates have access to all psychotropic drugs that are 58521
prescribed drugs covered by the fee-for-service component of the 58522
medicaid program. 58523

The department, based on factors it considers appropriate, 58524
shall allocate an amount to each county for reimbursement of such 58525
psychotropic drug costs incurred by the county. 58526

(C) The director of mental health and addiction services may 58527
adopt rules as necessary to implement this section. The rules, if 58528
adopted, shall be adopted in accordance with Chapter 119. of the 58529
Revised Code. 58530

Sec. 5119.39. (A) As used in this section, 58531
"medication-assisted treatment" has the same meaning as in section 58532
340.01 of the Revised Code. 58533

(B) There is hereby created in the department of mental 58534
health and addiction services the medication-assisted treatment 58535
drug reimbursement program. Under the program, the department 58536
shall reimburse counties for the costs of drugs that are both of 58537

the following: 58538

(1) Prescribed or furnished to inmates of county jails; 58539

(2) Approved by the United States food and drug 58540
administration for use in medication-assisted treatment, including 58541
full opioid agonists, partial opioid agonists, and injectable 58542
long-acting or extended-release opioid antagonists. 58543

The department, based on factors it considers appropriate, 58544
shall allocate an amount to each county for reimbursement of 58545
medication-assisted treatment drug costs incurred by the county. 58546

(C) The director of mental health and addiction services may 58547
adopt rules as necessary to implement this section. The rules 58548
shall be adopted in accordance with Chapter 119. of the Revised 58549
Code. 58550

Sec. 5119.44. As used in this section, "free clinic" has the 58551
same meaning as in section 2305.2341 of the Revised Code. 58552

(A) The department of mental health and addiction services 58553
may provide certain goods and services for the department of 58554
mental health and addiction services, the department of 58555
developmental disabilities, the department of rehabilitation and 58556
correction, the department of youth services, and other state, 58557
county, or municipal agencies requesting such goods and services 58558
when the department of mental health and addiction services 58559
determines that it is in the public interest, and considers it 58560
advisable, to provide these goods and services. The department of 58561
mental health and addiction services also may provide goods and 58562
services to agencies operated by the United States government and 58563
to public or private nonprofit agencies, other than free clinics, 58564
that are funded in whole or in part by the state if the public or 58565
private nonprofit agencies are designated for participation in 58566
this program by the director of mental health and addiction 58567

services for community addiction services providers and community 58568
mental health services providers, the director of developmental 58569
disabilities for community developmental disabilities agencies, 58570
the director of rehabilitation and correction for community 58571
rehabilitation and correction agencies, or the director of youth 58572
services for community youth services agencies. 58573

Designated community agencies or services providers shall 58574
receive goods and services through the department of mental health 58575
and addiction services only in those cases where the designating 58576
state agency certifies that providing such goods and services to 58577
the agency or services provider will conserve public resources to 58578
the benefit of the public and where the provision of such goods 58579
and services is considered feasible by the department of mental 58580
health and addiction services. 58581

(B) The department of mental health and addiction services 58582
may permit free clinics to purchase certain goods and services to 58583
the extent the purchases fall within the exemption to the 58584
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 58585
institutions, in 15 U.S.C. 13c, as amended. 58586

(C) The goods and services that may be provided by the 58587
department of mental health and addiction services under divisions 58588
(A) and (B) of this section may include: 58589

(1) Procurement, storage, processing, and distribution of 58590
food and professional consultation on food operations; 58591

(2) Procurement, storage, and distribution of medical and 58592
laboratory supplies, dental supplies, medical records, forms, 58593
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 58594
~~Revised Code;~~ 58595

(3) Procurement, storage, repackaging, distribution, and 58596
dispensing of drugs, the provision of professional pharmacy 58597
consultation, and drug information services; 58598

(4) Other goods and services. 58599

(D) The department of mental health and addiction services 58600
may provide the goods and services designated in division (C) of 58601
this section to its institutions and to state-operated 58602
community-based mental health or addiction services providers. 58603

(E) After consultation with and advice from the director of 58604
developmental disabilities, the director of rehabilitation and 58605
correction, and the director of youth services, the department of 58606
mental health and addiction services may provide the goods and 58607
services designated in division (C) of this section to the 58608
department of developmental disabilities, the department of 58609
rehabilitation and correction, and the department of youth 58610
services. 58611

(F) The cost of administration of this section shall be 58612
determined by the department of mental health and addiction 58613
services and paid by the agencies, services providers, or free 58614
clinics receiving the goods and services to the department for 58615
deposit in the state treasury to the credit of the Ohio pharmacy 58616
services fund, which is hereby created. The fund shall be used to 58617
pay the cost of administration of this section to the department. 58618

(G) Whenever a state agency fails to make a payment for goods 58619
and services provided under this section within thirty-one days 58620
after the date the payment was due, the office of budget and 58621
management may transfer moneys from the state agency to the 58622
department of mental health and addiction services. The amount 58623
transferred shall not exceed the amount of overdue payments. Prior 58624
to making a transfer under this division, the office of budget and 58625
management shall apply any credits the state agency has 58626
accumulated in payments for goods and services provided under this 58627
section. 58628

(H) Purchases of goods and services under this section are 58629

not subject to section 307.86 of the Revised Code. 58630

Sec. 5120.10. (A)(1) The director of rehabilitation and 58631
correction, by rule, shall promulgate minimum standards for jails 58632
in Ohio, including minimum security jails dedicated under section 58633
341.34 or 753.21 of the Revised Code. Whenever the director files 58634
a rule or an amendment to a rule in final form with both the 58635
secretary of state and the director of the legislative service 58636
commission pursuant to section 111.15 of the Revised Code, the 58637
director of rehabilitation and correction promptly shall send a 58638
copy of the rule or amendment, if the rule or amendment pertains 58639
to minimum jail standards, by ordinary mail to the political 58640
subdivisions or affiliations of political subdivisions that 58641
operate jails to which the standards apply. 58642

(2) The rules promulgated in accordance with division (A)(1) 58643
of this section shall serve as criteria for the investigative and 58644
supervisory powers and duties vested by division (D) of this 58645
section in the division of parole and community services of the 58646
department of rehabilitation and correction or in another division 58647
of the department to which those powers and duties are assigned. 58648

(B) The director may initiate an action in the court of 58649
common pleas of the county in which a facility that is subject to 58650
the rules promulgated under division (A)(1) of this section is 58651
situated to enjoin compliance with the minimum standards for jails 58652
or with the minimum standards and minimum renovation, 58653
modification, and construction criteria for ~~minimum security~~ 58654
jails. 58655

(C) Upon the request of an administrator of a jail facility, 58656
the chief executive of a municipal corporation, or a board of 58657
county commissioners, the director of rehabilitation and 58658
correction or the director's designee shall grant a variance from 58659
the minimum standards for jails in Ohio for a facility that is 58660

subject to one of those minimum standards when the director 58661
determines that strict compliance with the minimum standards would 58662
cause unusual, practical difficulties or financial hardship, that 58663
existing or alternative practices meet the intent of the minimum 58664
standards, and that granting a variance would not seriously affect 58665
the security of the facility, the supervision of the inmates, or 58666
the safe, healthful operation of the facility. If the director or 58667
the director's designee denies a variance, the applicant may 58668
appeal the denial pursuant to section 119.12 of the Revised Code. 58669

(D) The following powers and duties shall be exercised by the 58670
division of parole and community services unless assigned to 58671
another division by the director: 58672

(1) The investigation and supervision of county and municipal 58673
jails, workhouses, minimum security jails, and other correctional 58674
institutions and agencies; 58675

(2) The review and approval of plans submitted to the 58676
department of rehabilitation and correction pursuant to division 58677
(E) of this section; 58678

(3) The management and supervision of the adult parole 58679
authority created by section 5149.02 of the Revised Code; 58680

(4) The review and approval of proposals for community-based 58681
correctional facilities and programs and district community-based 58682
correctional facilities and programs that are submitted pursuant 58683
to division (B) of section 2301.51 of the Revised Code; 58684

(5) The distribution of funds made available to the division 58685
for purposes of assisting in the renovation, maintenance, and 58686
operation of community-based correctional facilities and programs 58687
and district community-based correctional facilities and programs 58688
in accordance with section 5120.112 of the Revised Code; 58689

(6) The performance of the duty imposed upon the department 58690
of rehabilitation and correction in section 5149.31 of the Revised 58691

Code to establish and administer a program of subsidies to 58692
eligible municipal corporations, counties, and groups of 58693
contiguous counties for the development, implementation, and 58694
operation of community-based corrections programs; 58695

(7) Licensing halfway houses and community residential 58696
centers for the care and treatment of adult offenders in 58697
accordance with section 2967.14 of the Revised Code; 58698

(8) Contracting with a public or private agency or a 58699
department or political subdivision of the state that operates a 58700
licensed halfway house or community residential center for the 58701
provision of housing, supervision, and other services to parolees, 58702
releasees, persons placed under a residential sanction, persons 58703
under transitional control, and other eligible offenders in 58704
accordance with section 2967.14 of the Revised Code. 58705

Other powers and duties may be assigned by the director of 58706
rehabilitation and correction to the division of parole and 58707
community services. This section does not apply to the department 58708
of youth services or its institutions or employees. 58709

(E) No plan for any new jail, workhouse, or lockup, and no 58710
plan for a substantial addition or alteration to an existing jail, 58711
workhouse, or lockup, shall be adopted unless the officials 58712
responsible for adopting the plan have submitted the plan to the 58713
department of rehabilitation and correction for approval, and the 58714
department has approved the plan as provided in division (D)(2) of 58715
this section. 58716

Sec. 5120.112. (A) The division of parole and community 58717
services shall accept applications for state financial assistance 58718
for the renovation, maintenance, and operation of proposed and 58719
approved community-based correctional facilities and programs and 58720
district community-based correctional facilities and programs that 58721
are filed in accordance with section 2301.56 of the Revised Code. 58722

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 58755
community services. 58756

(C) Upon approval of a proposal for a community-based 58757
correctional facility and program or a district community-based 58758
correctional facility and program by the division of parole and 58759
community services, the facility governing board, upon the advice 58760
of the judicial advisory board, shall enter into an award 58761
agreement with the department of rehabilitation and correction 58762
that outlines terms and conditions of the agreement ~~on an annual~~ 58763
~~basis. The agreement shall not be effective for longer than the~~ 58764
state fiscal biennium in which the financial assistance is to be 58765
awarded. In the award agreement, the facility governing board 58766
shall identify a fiscal agent responsible for the deposit of funds 58767
and compliance with sections 2301.55 and 2301.56 of the Revised 58768
Code. 58769

(D) No state financial assistance shall be distributed to a 58770
qualified applicant until an agreement concerning the assistance 58771
has been entered into by the director of rehabilitation and 58772
correction and the deputy director of the division of parole and 58773
community services on the part of the state, and by the 58774
chairperson of the facility governing board of the community-based 58775
correctional facility and program or district community-based 58776
correctional facility and program to receive the financial 58777
assistance, whichever is applicable. The agreement shall not be 58778
effective for ~~a period of one year from the date of the agreement~~ 58779
longer than the state fiscal biennium in which the financial 58780
assistance is to be awarded, and shall specify all terms and 58781
conditions that are applicable to the awarding of the assistance, 58782
including, but not limited to: 58783

(1) The total amount of assistance to be awarded for each 58784
community-based correctional facility and program or district 58785
community-based correctional facility and program, and the times 58786

and manner of the payment of the assistance; 58787

(2) How persons who will staff and operate the facility and 58788
program are to be utilized during the period for which the 58789
assistance is to be granted, including descriptions of their 58790
positions and duties, and their salaries and fringe benefits; 58791

(3) A statement that none of the persons who will staff and 58792
operate the facility and program, including those who are 58793
receiving some or all of their salaries out of funds received by 58794
the facility and program as state financial assistance, are 58795
employees or are to be considered as being employees of the 58796
department of rehabilitation and correction, and a statement that 58797
the employees who will staff and operate that facility and program 58798
are employees of the facility and program; 58799

(4) A list of the type of expenses, other than salaries of 58800
persons who will staff and operate the facility and program, for 58801
which the state financial assistance can be used, and a 58802
requirement that purchases made with funds received as state 58803
financial assistance follow established fiscal guidelines as 58804
determined by the division of parole and community services and 58805
any applicable sections of the Revised Code, including, but not 58806
limited to, sections 125.01 to 125.11 and Chapter 153. of the 58807
Revised Code; 58808

(5) The accounting procedures that are to be used by the 58809
facility and program in relation to the state financial 58810
assistance; 58811

(6) A requirement that the facility and program file reports, 58812
during the period that it receives state financial assistance, 58813
with the division of parole and community services, which reports 58814
shall be statistical in nature and shall contain that information 58815
required under a research design agreed upon by all parties to the 58816
agreement, for purposes of evaluating the facility and program; 58817

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

Sec. 5122.43. (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge;	58848
(5) To a person, other than the sheriff or the sheriff's	58849
deputies, for taking a mentally ill person to a hospital or	58850
removing a mentally ill person from a hospital, the actual	58851
necessary expenses incurred, specifically itemized, and approved	58852
by the probate judge;	58853
(6) To assistants who convey mentally ill persons to the	58854
hospital when authorized by the probate judge, a fee set by the	58855
probate court, provided the assistants are not drawing a salary	58856
from the state or any political subdivision of the state, and	58857
their actual necessary expenses incurred, provided that the	58858
expenses are specifically itemized and approved by the probate	58859
judge;	58860
(7) To an attorney appointed by the probate division for an	58861
indigent who allegedly is a mentally ill person pursuant to any	58862
section of this chapter or a person suffering from alcohol and	58863
other drug abuse and who may be ordered under sections 5119.91 to	58864
5119.98 of the Revised Code to undergo treatment, the fees that	58865
are determined by the probate division. When those indigent	58866
persons are before the court, all filing and recording fees shall	58867
be waived.	58868
(8) To a referee who is appointed to conduct proceedings	58869
under this chapter that involve a respondent whose domicile is or,	58870
before the respondent's hospitalization, was not the county in	58871
which the proceedings are held, compensation as fixed by the	58872
probate division, but not more than the compensation paid for	58873
similar proceedings for respondents whose domicile is in the	58874
county in which the proceedings are held;	58875
(9) To a court reporter appointed to make a transcript of	58876
proceedings under this chapter, the compensation and fees allowed	58877
in other cases under section 2101.08 of the Revised Code.	58878

(B) A county shall pay for the costs, fees, and expenses 58879
described in division (A) of this section with money appropriated 58880
pursuant to section 2101.11 of the Revised Code. A county may seek 58881
reimbursement from the department of mental health and addiction 58882
services by submitting a request and certification by the county 58883
auditor of the costs, fees, and expenses to the department within 58884
two months of the date the costs, fees, and expenses are incurred 58885
by the county. 58886

Each fiscal year, based on past allocations, historical 58887
utilization, and other factors the department considers 58888
appropriate, the department shall allocate for each county an 58889
amount for reimbursements under this section. A county's 58890
allocation may be zero. The department shall set aside an amount 58891
in addition to the allocations to cover court costs associated 58892
with proceedings held under this chapter for counties that 58893
received an allocation of zero but that incurred expenditures 58894
authorized by the department. The total of all the allocations 58895
plus the additional amount set aside shall equal the amount 58896
appropriated for the fiscal year to the department specifically 58897
for the purposes of this section. 58898

On receipt, the department shall review each request for 58899
reimbursement and prepare a voucher for the amount of the costs, 58900
fees, and expenses incurred by the county, provided that the total 58901
amount of money paid to all counties in each fiscal year shall not 58902
exceed the total amount of moneys specifically appropriated to the 58903
department for these purposes. 58904

The department's total reimbursement to each county shall be 58905
the lesser of the full amount requested or either the amount 58906
allocated for the county under this division, or, for counties 58907
that received an allocation of zero, the amount approved by the 58908
department. In addition, the department shall distribute any 58909
surplus remaining from the money appropriated for the fiscal year 58910

to the department for the purposes of this section as follows to 58911
counties whose full requests exceed their allocations: 58912

(1) If the surplus is sufficient to reimburse such counties 58913
the full amount of their requests, each such county shall receive 58914
the full amount of its request; 58915

(2) If the surplus is insufficient, each such county shall 58916
receive a percentage of the surplus determined by dividing the 58917
difference between the county's full request and its allocation by 58918
the difference between the total of the full requests of all such 58919
counties and the total of the amounts allocated for all such 58920
counties. 58921

The department may adopt rules in accordance with Chapter 58922
119. of the Revised Code to implement the payment of costs, fees, 58923
and expenses under this section. 58924

Sec. 5123.01. As used in this chapter: 58925

(A) "Chief medical officer" means the licensed physician 58926
appointed by the managing officer of an institution for persons 58927
with intellectual disabilities with the approval of the director 58928
of developmental disabilities to provide medical treatment for 58929
residents of the institution. 58930

(B) "Chief program director" means a person with special 58931
training and experience in the diagnosis and management of persons 58932
with developmental disabilities, certified according to division 58933
(C) of this section in at least one of the designated fields, and 58934
appointed by the managing officer of an institution for persons 58935
with intellectual disabilities with the approval of the director 58936
to provide habilitation and care for residents of the institution. 58937

(C) "Comprehensive evaluation" means a study, including a 58938
sequence of observations and examinations, of a person leading to 58939
conclusions and recommendations formulated jointly, with 58940

dissenting opinions if any, by a group of persons with special 58941
training and experience in the diagnosis and management of persons 58942
with developmental disabilities, which group shall include 58943
individuals who are professionally qualified in the fields of 58944
medicine, psychology, and social work, together with such other 58945
specialists as the individual case may require. 58946

(D) "Education" means the process of formal training and 58947
instruction to facilitate the intellectual and emotional 58948
development of residents. 58949

(E) "Habilitation" means the process by which the staff of 58950
the institution assists the resident in acquiring and maintaining 58951
those life skills that enable the resident to cope more 58952
effectively with the demands of the resident's own person and of 58953
the resident's environment and in raising the level of the 58954
resident's physical, mental, social, and vocational efficiency. 58955
Habilitation includes but is not limited to programs of formal, 58956
structured education and training. 58957

(F) "Health officer" means any public health physician, 58958
public health nurse, or other person authorized or designated by a 58959
city or general health district. 58960

(G) "Home and community-based services" means medicaid-funded 58961
home and community-based services specified in division (A)(1) of 58962
section 5166.20 of the Revised Code provided under the medicaid 58963
waiver components the department of developmental disabilities 58964
administers pursuant to section 5166.21 of the Revised Code. 58965
Except as provided in section 5123.0412 of the Revised Code, home 58966
and community-based services provided under the medicaid waiver 58967
component known as the transitions developmental disabilities 58968
waiver are to be considered to be home and community-based 58969
services for the purposes of this chapter, and Chapters 5124. and 58970
5126. of the Revised Code, only to the extent, if any, provided by 58971
the contract required by section 5166.21 of the Revised Code 58972

regarding the waiver. 58973

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 58974
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 58975

(I) "Indigent person" means a person who is unable, without 58976
substantial financial hardship, to provide for the payment of an 58977
attorney and for other necessary expenses of legal representation, 58978
including expert testimony. 58979

(J) "Institution" means a public or private facility, or a 58980
part of a public or private facility, that is licensed by the 58981
appropriate state department and is equipped to provide 58982
residential habilitation, care, and treatment for persons with 58983
intellectual disabilities. 58984

(K) "Licensed physician" means a person who holds a valid 58985
~~certificate~~ license issued under Chapter 4731. of the Revised Code 58986
authorizing the person to practice medicine and surgery or 58987
osteopathic medicine and surgery, or a medical officer of the 58988
government of the United States while in the performance of the 58989
officer's official duties. 58990

(L) "Managing officer" means a person who is appointed by the 58991
director of developmental disabilities to be in executive control 58992
of an institution under the jurisdiction of the department of 58993
developmental disabilities. 58994

(M) "Medicaid case management services" means case management 58995
services provided to an individual with a developmental disability 58996
that the state medicaid plan requires. 58997

(N) "Intellectual disability" means a disability 58998
characterized by having significantly subaverage general 58999
intellectual functioning existing concurrently with deficiencies 59000
in adaptive behavior, manifested during the developmental period. 59001

(O) "Person with an intellectual disability subject to 59002

institutionalization by court order" means a person eighteen years 59003
of age or older with at least a moderate level of intellectual 59004
disability and in relation to whom, because of the person's 59005
disability, either of the following conditions exists: 59006

(1) The person represents a very substantial risk of physical 59007
impairment or injury to self as manifested by evidence that the 59008
person is unable to provide for and is not providing for the 59009
person's most basic physical needs and that provision for those 59010
needs is not available in the community; 59011

(2) The person needs and is susceptible to significant 59012
habilitation in an institution. 59013

(P) "Moderate level of intellectual disability" means the 59014
condition in which a person, following a comprehensive evaluation, 59015
is found to have at least moderate deficits in overall 59016
intellectual functioning, as indicated by a full-scale 59017
intelligence quotient test score of fifty-five or below, and at 59018
least moderate deficits in adaptive behavior, as determined in 59019
accordance with the criteria established in the fifth edition of 59020
the diagnostic and statistical manual of mental disorders 59021
published by the American psychiatric association. 59022

(Q) "Developmental disability" means a severe, chronic 59023
disability that is characterized by all of the following: 59024

(1) It is attributable to a mental or physical impairment or 59025
a combination of mental and physical impairments, other than a 59026
mental or physical impairment solely caused by mental illness, as 59027
defined in division (A) of section 5122.01 of the Revised Code. 59028

(2) It is manifested before age twenty-two. 59029

(3) It is likely to continue indefinitely. 59030

(4) It results in one of the following: 59031

(a) In the case of a person under three years of age, at 59032

least one developmental delay, as defined in rules adopted under 59033
section 5123.011 of the Revised Code, or a diagnosed physical or 59034
mental condition that has a high probability of resulting in a 59035
developmental delay, as defined in those rules; 59036

(b) In the case of a person at least three years of age but 59037
under six years of age, at least two developmental delays, as 59038
defined in rules adopted under section 5123.011 of the Revised 59039
Code; 59040

(c) In the case of a person six years of age or older, a 59041
substantial functional limitation in at least three of the 59042
following areas of major life activity, as appropriate for the 59043
person's age: self-care, receptive and expressive language, 59044
learning, mobility, self-direction, capacity for independent 59045
living, and, if the person is at least sixteen years of age, 59046
capacity for economic self-sufficiency. 59047

(5) It causes the person to need a combination and sequence 59048
of special, interdisciplinary, or other type of care, treatment, 59049
or provision of services for an extended period of time that is 59050
individually planned and coordinated for the person. 59051

"Developmental disability" includes intellectual disability. 59052

(R) "State institution" means an institution that is 59053
tax-supported and under the jurisdiction of the department of 59054
developmental disabilities. 59055

(S) "Residence" and "legal residence" have the same meaning 59056
as "legal settlement," which is acquired by residing in Ohio for a 59057
period of one year without receiving general assistance prior to 59058
July 17, 1995, under former Chapter 5113. of the Revised Code, 59059
without receiving financial assistance prior to December 31, 2017, 59060
under former Chapter 5115. of the Revised Code, or assistance from 59061
a private agency that maintains records of assistance given. A 59062
person having a legal settlement in the state shall be considered 59063

as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of mental health and addiction services, or the department of developmental disabilities, the residence of the person shall be considered as though the person were residing in the county in which the person was living prior to the person's entrance into the institution or home. Settlement once acquired shall continue until a person has been continuously absent from Ohio for a period of one year or has acquired a legal residence in another state. A woman who marries a man with legal settlement in any county immediately acquires the settlement of her husband. The legal settlement of a minor is that of the parents, surviving parent, sole parent, parent who is designated the residential parent and legal custodian by a court, other adult having permanent custody awarded by a court, or guardian of the person of the minor, provided that:

(1) A minor female who marries shall be considered to have the legal settlement of her husband and, in the case of death of her husband or divorce, she shall not thereby lose her legal settlement obtained by the marriage.

(2) A minor male who marries, establishes a home, and who has resided in this state for one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code or assistance from a private agency that maintains records of assistance given shall be considered to have

obtained a legal settlement in this state. 59096

(3) The legal settlement of a child under eighteen years of 59097
age who is in the care or custody of a public or private child 59098
caring agency shall not change if the legal settlement of the 59099
parent changes until after the child has been in the home of the 59100
parent for a period of one year. 59101

No person, adult or minor, may establish a legal settlement 59102
in this state for the purpose of gaining admission to any state 59103
institution. 59104

(T)(1) "Resident" means, subject to division (T)(2) of this 59105
section, a person who is admitted either voluntarily or 59106
involuntarily to an institution or other facility pursuant to 59107
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 59108
Code subsequent to a finding of not guilty by reason of insanity 59109
or incompetence to stand trial or under this chapter who is under 59110
observation or receiving habilitation and care in an institution. 59111

(2) "Resident" does not include a person admitted to an 59112
institution or other facility under section 2945.39, 2945.40, 59113
2945.401, or 2945.402 of the Revised Code to the extent that the 59114
reference in this chapter to resident, or the context in which the 59115
reference occurs, is in conflict with any provision of sections 59116
2945.37 to 2945.402 of the Revised Code. 59117

(U) "Respondent" means the person whose detention, 59118
commitment, or continued commitment is being sought in any 59119
proceeding under this chapter. 59120

(V) "Working day" and "court day" mean Monday, Tuesday, 59121
Wednesday, Thursday, and Friday, except when such day is a legal 59122
holiday. 59123

(W) "Prosecutor" means the prosecuting attorney, village 59124
solicitor, city director of law, or similar chief legal officer 59125
who prosecuted a criminal case in which a person was found not 59126

guilty by reason of insanity, who would have had the authority to 59127
prosecute a criminal case against a person if the person had not 59128
been found incompetent to stand trial, or who prosecuted a case in 59129
which a person was found guilty. 59130

(X) "Court" means the probate division of the court of common 59131
pleas. 59132

(Y) "Supported living" and "residential services" have the 59133
same meanings as in section 5126.01 of the Revised Code. 59134

Sec. 5123.023. (A) The director of developmental disabilities 59135
~~may~~ shall establish an employment first task force consisting of 59136
the departments of developmental disabilities, education, 59137
medicaid, job and family services, and mental health and addiction 59138
services; and the opportunities for Ohioans with disabilities 59139
agency. The purpose of the task force shall be to improve the 59140
coordination of the state's efforts to address the needs of 59141
individuals with developmental disabilities who seek community 59142
employment as defined in section 5123.022 of the Revised Code. 59143

(B) The department of developmental disabilities may enter 59144
into interagency agreements with any of the government entities on 59145
the task force. The interagency agreements may specify either or 59146
both of the following: 59147
59148

(1) The roles and responsibilities of the government entities 59149
that are members of the task force, including any money to be 59150
contributed by those entities; 59151

(2) The projects and activities of the task force. 59152

(C) There is hereby created in the state treasury the 59153
employment first taskforce fund. Any money received by the task 59154
force from its members shall be credited to the fund. The 59155
department of developmental disabilities shall use the fund to 59156

support the work of the task force. 59157

~~(D) The task force shall cease to exist on January 1, 2020.~~ 59158

~~Any money, assets, or employees of the department of developmental~~ 59159

~~disabilities that on that date are dedicated to the work of the~~ 59160

~~task force shall be reallocated by the department for employment~~ 59161

~~services for individuals with developmental disabilities.~~ 59162

Sec. 5123.042. Except as provided in section 5123.197 of the 59163

Revised Code, each person or government entity seeking to develop 59164

new or modify existing residential services or ICF/IID services 59165

shall submit to the department of developmental disabilities a 59166

plan for the development or modification. The department shall 59167

approve a plan that is submitted in accordance with rules adopted 59168

under this section and meets the uniform standards for plans 59169

established in those rules. 59170

The director of developmental disabilities shall adopt rules 59171

in accordance with Chapter 119. of the Revised Code establishing 59172

the following: 59173

(A) Procedures for submitting plans under this section; 59174

(B) Uniform standards for the plans. 59175

Sec. 5123.044. The department of developmental disabilities 59176

shall determine whether county boards of developmental 59177

disabilities violate the rights that individuals with 59178

developmental disabilities have under section 5126.046 of the 59179

Revised Code to obtain home and community-based services, ICF/IID 59180

services, nonmedicaid residential services, or nonmedicaid 59181

supported living from qualified and willing providers. The 59182

department shall provide assistance to an individual with a 59183

developmental disability who requests assistance with the 59184

individual's rights under that section if the department is 59185

notified of a county board's alleged violation of the individual's 59186

rights under that section. 59187

Sec. 5123.046. The department of developmental disabilities 59188
shall review each ~~component of the three calendar year~~ annual plan 59189
it receives from a county board of developmental disabilities 59190
under section 5126.054 of the Revised Code and, in consultation 59191
with the department of job and family services and office of 59192
budget and management, approve each ~~component~~ plan that includes 59193
all the information and conditions specified in that section. ~~The~~ 59194
~~third component of the plan shall be approved or disapproved not~~ 59195
~~later than forty five days after the third component is submitted~~ 59196
~~to the department. If the department approves all three components~~ 59197
~~of the plan, the plan is approved. Otherwise, the plan is~~ 59198
~~disapproved.~~ If the plan is disapproved, the department shall take 59199
action against the county board under division (B) of section 59200
5126.056 of the Revised Code. 59201

In approving plans under this section, the department shall 59202
ensure that the aggregate of all plans provide for the increased 59203
enrollment into home and community-based services during each 59204
state fiscal year of at least five hundred individuals who did not 59205
receive residential services, supported living, or home and 59206
community-based services the prior state fiscal year if the 59207
department has enough additional enrollment available for this 59208
purpose. 59209

The department shall establish protocols that the department 59210
shall use to determine whether a county board is complying with 59211
the programmatic and financial accountability mechanisms and 59212
achieving outcomes specified in its approved plan. If the 59213
department determines that a county board is not in compliance 59214
with the mechanisms or achieving the outcomes specified in its 59215
approved plan, the department may take action under division (F) 59216
of section 5126.055 of the Revised Code. 59217

Sec. 5123.0414. (A) When the director of developmental disabilities, ~~under section 119.07 of the Revised Code,~~ sends a party a notice by registered or certified mail, return receipt requested, that the director intends to take action against the party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised Code and the notice is returned to the director with an endorsement indicating that the notice was refused or unclaimed, the director shall resend the notice by ordinary mail to the party.

(B) If the original notice was refused, the notice shall be deemed received as of the date the director resends the notice.

(C) If the original notice was unclaimed, the notice shall be deemed received as of the date the director resends the notice unless, not later than thirty days after the date the director sent the original notice, the resent notice is returned to the director for failure of delivery.

If the notice concerns taking action under section 5123.51 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall cause the notice to be published in a newspaper of general circulation in the county of the party's last known residence or business and shall mail a dated copy of the published notice to the party at the last known address. The notice shall be deemed received as of the date of the publication.

If the notice concerns taking action under section 5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date

the director resends the notice the second time. 59249

Sec. 5123.0419. (A) The director of developmental 59250
disabilities ~~may~~ shall establish an interagency workgroup on 59251
autism. The purpose of the workgroup shall be to improve the 59252
coordination of the state's efforts to address the service needs 59253
of individuals with autism spectrum disorders and the families of 59254
those individuals. In fulfilling this purpose, the director may 59255
enter into interagency agreements with the government entities 59256
represented by the members of the workgroup. The agreements may 59257
specify any or all of the following: 59258

(1) The roles and responsibilities of government entities 59259
that enter into the agreements; 59260

(2) Procedures regarding the receipt, transfer, and 59261
expenditure of funds necessary to achieve the goals of the 59262
workgroup; 59263

(3) The projects to be undertaken and activities to be 59264
performed by the government entities that enter into the 59265
agreements. 59266

(B) Money received from government entities represented by 59267
the members of the workgroup shall be deposited into the state 59268
treasury to the credit of the interagency workgroup on autism 59269
fund, which is hereby created in the state treasury. Money 59270
credited to the fund shall be used by the department of 59271
developmental disabilities solely to support the activities of the 59272
workgroup. 59273

Sec. 5123.0424. (A) As used in this section: 59274

(1) "Official member" means a member of an official workgroup 59275
who was appointed by the director of developmental disabilities. 59276

(2) "Official workgroup" means a workgroup, task force, 59277

council, committee, or similar entity that has been established by 59278
the director of developmental disabilities under the director's 59279
express or implied statutory authority. 59280

(B) Subject to division (C) of this section, the director of 59281
developmental disabilities may, at the director's discretion, 59282
provide for an official member of an official workgroup to be 59283
reimbursed for actual and necessary travel expenses the member 59284
incurs in the performance of the member's duties on the workgroup, 59285
including attending the workgroup's meetings, if all of the 59286
following apply: 59287

(1) The official member serves on the official workgroup as a 59288
representative of the families of, or advocates for, individuals 59289
with developmental disabilities; 59290

(2) The official member does not receive reimbursement for 59291
the travel expenses from any other source; 59292

(3) The official member does not receive wages or other 59293
compensation from any other source for performing the member's 59294
duties on the official workgroup; and 59295

(4) No statute prohibits official members of the official 59296
workgroup from being reimbursed for travel expenses. 59297

(C) The amount the director provides for an official member 59298
of an official workgroup to be reimbursed under division (B) of 59299
this section shall not exceed the rates the director of budget and 59300
management establishes in rules adopted under division (B) of 59301
section 126.31 of the Revised Code. 59302

Sec. 5123.0425. The department of developmental disabilities 59303
shall make available to the public on its internet web site an 59304
up-to-date list of all providers of home and community-based 59305
services, ICF/IID services, nonmedicaid residential services, and 59306
nonmedicaid supported living. The list of providers of ICF/IID 59307

services shall include the number of each ICF/IID's vacancies 59308
which such providers shall report to the department. The 59309
department also shall make available on its internet web site the 59310
pamphlet developed under section 5124.69 of the Revised Code 59311
describing all of the items and services covered by medicaid as 59312
ICF/IID services and as home and community-based services. 59313

Sec. 5123.081. (A) As used in this section: 59314

(1)(a) "Applicant" means any of the following: 59315

(i) A person who is under final consideration for appointment 59316
to or employment with the department of developmental disabilities 59317
or a county board of developmental disabilities; 59318

(ii) A person who is being transferred to the department or a 59319
county board; 59320

(iii) An employee who is being recalled to or reemployed by 59321
the department or a county board after a layoff; 59322

(iv) A person under final consideration for a direct services 59323
position with a provider or subcontractor. 59324

(b) Neither of the following is an applicant: 59325

(i) A person who is employed by a responsible entity in a 59326
position for which a criminal records check is required by this 59327
section and either is being considered for a different position 59328
with the responsible entity or is returning after a leave of 59329
absence or seasonal break in employment, unless the responsible 59330
entity has reason to believe that the person has committed a 59331
disqualifying offense; 59332

(ii) A person who is to provide only respite care under a 59333
family support services program established under section 5126.11 59334
of the Revised Code if a family member of the individual with a 59335
developmental disability who is to receive the respite care 59336

selects the person. 59337

(2) "Criminal records check" has the same meaning as in 59338
section 109.572 of the Revised Code. 59339

(3) "Direct services position" means an employment position 59340
in which the employee has the opportunity to be alone with or 59341
exercises supervision or control over one or more individuals with 59342
developmental disabilities. 59343

(4) "Disqualifying offense" means any of the offenses listed 59344
or described in divisions (A)(3)(a) to (e) of section 109.572 of 59345
the Revised Code. 59346

(5)(a) "Employee" means either of the following: 59347

(i) A person appointed to or employed by the department of 59348
developmental disabilities or a county board of developmental 59349
disabilities; 59350

(ii) A person employed in a direct services position by a 59351
provider or subcontractor. 59352

(b) "Employee" does not mean a person who provides only 59353
respite care under a family support services program established 59354
under section 5126.11 of the Revised Code if a family member of 59355
the individual with a developmental disability who receives the 59356
respite care selected the person. 59357

(6) "Minor drug possession offense" has the same meaning as 59358
in section 2925.01 of the Revised Code. 59359

(7) "Provider" means a person that provides specialized 59360
services to individuals with developmental disabilities and 59361
employs one or more persons in direct services positions. 59362

(8) "Responsible entity" means the following: 59363

(a) The department of developmental disabilities in the case 59364
of either of the following: 59365

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	59366 59367 59368 59369
(ii) A person who is an employee because the person is appointed to or employed by the department.	59370 59371
(b) A county board of developmental disabilities in the case of either of the following:	59372 59373
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	59374 59375 59376 59377
(ii) A person who is an employee because the person is appointed to or employed by the county board.	59378 59379
(c) A provider in the case of either of the following:	59380
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	59381 59382 59383
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	59384 59385
(d) A subcontractor in the case of either of the following:	59386
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	59387 59388 59389
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	59390 59391
(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of	59392 59393 59394 59395

developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been

convicted of, pleaded guilty to, or been found eligible for 59426
intervention in lieu of conviction for a disqualifying offense. 59427
The responsible entity also shall require the applicant to sign an 59428
agreement under which the applicant agrees to notify the 59429
responsible entity within fourteen calendar days if, while 59430
employed by the responsible entity, the applicant is formally 59431
charged with, is convicted of, pleads guilty to, or is found 59432
eligible for intervention in lieu of conviction for a 59433
disqualifying offense. The agreement shall provide that the 59434
applicant's failure to provide the notification may result in 59435
termination of the applicant's employment. 59436

(D)(1) As a condition of employing any applicant in a 59437
position for which a criminal records check is required by this 59438
section, a responsible entity shall request the superintendent of 59439
the bureau of criminal identification and investigation to conduct 59440
a criminal records check of the applicant. If rules adopted under 59441
this section require an employee to undergo a criminal records 59442
check, a responsible entity shall request the superintendent to 59443
conduct a criminal records check of the employee at times 59444
specified in the rules as a condition of the responsible entity's 59445
continuing to employ the employee in a position for which a 59446
criminal records check is required by this section. If an 59447
applicant or employee does not present proof that the applicant or 59448
employee has been a resident of this state for the five-year 59449
period immediately prior to the date upon which the criminal 59450
records check is requested, the responsible entity shall request 59451
that the superintendent obtain information from the federal bureau 59452
of investigation as a part of the criminal records check. If the 59453
applicant or employee presents proof that the applicant or 59454
employee has been a resident of this state for that five-year 59455
period, the responsible entity may request that the superintendent 59456
include information from the federal bureau of investigation in 59457
the criminal records check. For purposes of this division, an 59458

applicant or employee may provide proof of residency in this state 59459
by presenting, with a notarized statement asserting that the 59460
applicant or employee has been a resident of this state for that 59461
five-year period, a valid driver's license, notification of 59462
registration as an elector, a copy of an officially filed federal 59463
or state tax form identifying the applicant's or employee's 59464
permanent residence, or any other document the responsible entity 59465
considers acceptable. 59466

(2) A responsible entity shall do all of the following: 59467

(a) Provide to each applicant and employee for whom a 59468
criminal records check is required by this section a copy of the 59469
form prescribed pursuant to division (C)(1) of section 109.572 of 59470
the Revised Code and a standard impression sheet to obtain 59471
fingerprint impressions prescribed pursuant to division (C)(2) of 59472
section 109.572 of the Revised Code; 59473

(b) Obtain the completed form and standard impression sheet 59474
from the applicant or employee; 59475

(c) Forward the completed form and standard impression sheet 59476
to the superintendent at the time the criminal records check is 59477
requested. 59478

(3) Any applicant or employee who receives pursuant to this 59479
division a copy of the form prescribed pursuant to division (C)(1) 59480
of section 109.572 of the Revised Code and a copy of the standard 59481
impression sheet prescribed pursuant to division (C)(2) of that 59482
section and who is requested to complete the form and provide a 59483
set of the applicant's or employee's fingerprint impressions shall 59484
complete the form or provide all the information necessary to 59485
complete the form and shall provide the standard impression sheet 59486
with the impressions of the applicant's or employee's 59487
fingerprints. 59488

(4) A responsible entity shall pay to the bureau of criminal 59489

identification and investigation the fee prescribed pursuant to 59490
division (C)(3) of section 109.572 of the Revised Code for each 59491
criminal records check requested and conducted pursuant to this 59492
section. 59493

(E) A responsible entity may request any other state or 59494
federal agency to supply the responsible entity with a written 59495
report regarding the criminal record of an applicant or employee. 59496
If an employee holds an occupational or professional license or 59497
other credentials, the responsible entity may request that the 59498
state or federal agency that regulates the employee's occupation 59499
or profession supply the responsible entity with a written report 59500
of any information pertaining to the employee's criminal record 59501
that the agency obtains in the course of conducting an 59502
investigation or in the process of renewing the employee's license 59503
or other credentials. The responsible entity may consider the 59504
reports when determining whether to employ the applicant or to 59505
continue to employ the employee. 59506

(F) As a condition of employing an applicant in a position 59507
for which a criminal records check is required by this section and 59508
that involves transporting individuals with developmental 59509
disabilities or operating a responsible entity's vehicles for any 59510
purpose, the responsible entity shall obtain the applicant's 59511
driving record from the bureau of motor vehicles. If rules adopted 59512
under this section require a responsible entity to obtain an 59513
employee's driving record, the responsible entity shall obtain the 59514
employee's driving record from the bureau at times specified in 59515
the rules as a condition of continuing to employ the employee. The 59516
responsible entity may consider the applicant's or employee's 59517
driving record when determining whether to employ the applicant or 59518
to continue to employ the employee. 59519

(G) A responsible entity may employ an applicant 59520
conditionally pending receipt of a report regarding the applicant 59521

requested under this section. The responsible entity shall request 59522
the report before employing the applicant conditionally. The 59523
responsible entity shall terminate the applicant's employment if 59524
it is determined from a report that the applicant failed to inform 59525
the responsible entity that the applicant had been convicted of, 59526
pleaded guilty to, or been found eligible for intervention in lieu 59527
of conviction for a disqualifying offense. 59528

(H) A responsible entity may charge an applicant a fee for 59529
costs the responsible entity incurs in obtaining a report 59530
regarding the applicant under this section if the responsible 59531
entity notifies the applicant of the amount of the fee at the time 59532
of the applicant's initial application for employment and that, 59533
unless the fee is paid, the responsible entity will not consider 59534
the applicant for employment. The fee shall not exceed the amount 59535
of the fee, if any, the responsible entity pays for the report. 59536

(I)(1) Any report obtained pursuant to this section is not a 59537
public record for purposes of section 149.43 of the Revised Code 59538
and shall not be made available to any person, other than the 59539
following: 59540

(a) The applicant or employee who is the subject of the 59541
report or the applicant's or employee's representative; 59542

(b) The responsible entity that requested the report or its 59543
representative; 59544

(c) The department if a county board, provider, or 59545
subcontractor is the responsible entity that requested the report 59546
and the department requests the responsible entity to provide a 59547
copy of the report to the department; 59548

(d) A county board if a provider or subcontractor is the 59549
responsible entity that requested the report and the county board 59550
requests the responsible entity to provide a copy of the report to 59551
the county board; 59552

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

- (i) The denial of employment to the applicant or employee;
- (ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;
- (iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

- (1) The rules may do the following:
 - (a) Require employees to undergo criminal records checks under this section;

(b) Require responsible entities to obtain the driving records of employees under this section;

(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.

(2) The rules shall do ~~both~~ all of the following:

(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;

(b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director;

(c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section.

Sec. 5123.092. (A) There is hereby established at each institution and branch institution under the control of the department of developmental disabilities a citizen's advisory council ~~consisting. Each council shall consist of thirteen seven~~ members. ~~At least seven of the members shall be persons who are not providers of services for persons with developmental disabilities. Each council shall include, including~~ parents or other relatives of residents of institutions under the control of the department, community leaders, professional persons in

relevant fields, and persons who have an interest in or knowledge 59613
of developmental disabilities. The managing officer of the 59614
institution shall be a nonvoting member of the council. 59615

(B) The director of developmental disabilities shall be the 59616
appointing authority for the voting members of each citizen's 59617
advisory council. Each time the term of a voting member expires, 59618
the ~~remaining members of the council~~ managing officer of the 59619
institution with which the council is associated shall recommend 59620
to the director one or more persons to serve on the council. The 59621
director may accept a nominee of the ~~council~~ managing officer or 59622
reject the nominee or nominees. If the director rejects the 59623
nominee or nominees, the ~~remaining members of the advisory council~~ 59624
managing officer shall further recommend to the director one or 59625
more other persons to serve on the ~~advisory~~ council. This 59626
procedure shall continue until a member is appointed to the 59627
~~advisory~~ council. 59628

~~Each advisory council shall elect from its appointed members 59629
a chairperson, vice chairperson, and a secretary to serve for 59630
terms of one year. Advisory council officers shall not serve for 59631
more than two consecutive terms in the same office. A majority of 59632
the advisory council members constitutes a quorum. 59633~~

~~(C)~~ Terms of office shall be for three years, each term 59634
ending on the same day of the same month of the year as did the 59635
term which it succeeds. No member shall serve more than two 59636
consecutive terms, except that any former member may be appointed 59637
if one year or longer has elapsed since the member served two 59638
consecutive terms. Each member shall hold office from the date of 59639
appointment until the end of the term for which the member was 59640
appointed. Any vacancy shall be filled in the same manner in which 59641
the original appointment was made, and the appointee to a vacancy 59642
in an unexpired term shall serve the balance of the term of the 59643

original appointee. Any member shall continue in office subsequent 59644
to the expiration date of the member's term until the member's 59645
successor takes office, or until a period of sixty days has 59646
elapsed, whichever occurs first. 59647

(C) Each citizen's advisory council shall elect from its 59648
appointed members a chairperson, vice-chairperson, and secretary. 59649
A person elected to an office may serve in that position until the 59650
person is no longer a member of the council. 59651

~~(D) Members of a citizen's advisory council shall be expected 59652
to attend all meetings of the advisory council. Unexcused absence 59653
from two successive regularly scheduled meetings shall be 59654
considered prima facie evidence of intent not to continue as a 59655
member. The chairperson of the board shall, after a member has 59656
been absent for two successive regularly scheduled meetings, 59657
direct a letter to the member asking if the member wishes to 59658
remain in membership. If an affirmative reply is received, the 59659
member shall be retained as a member except that, if, after having 59660
expressed a desire to remain a member, the member then misses a 59661
third successive regularly scheduled meeting without being 59662
excused, the chairperson shall terminate the member's membership. 59663
A majority of the members constitutes a quorum. 59664~~

~~(E) A citizen's advisory council shall meet six times 59665
annually, or more frequently if three council members request the 59666
chairperson to call a meeting. The council shall keep minutes of 59667
each meeting and shall submit them to the managing officer of the 59668
institution with which the council is associated and the 59669
department of developmental disabilities. 59670~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 59671
no compensation for their services, except that they shall be 59672
reimbursed for their actual and necessary expenses incurred in the 59673
performance of their official duties by the institution with which 59674
they are associated from funds allocated to it, provided that 59675

reimbursement for those expenses shall not exceed limits imposed 59676
upon the department of developmental disabilities by 59677
administrative rules regulating travel within this state. 59678

~~(G)~~(F) The councils shall have reasonable access to all 59679
patient treatment and living areas and records of the institution, 59680
except those records of a strictly personal or confidential 59681
nature. The councils shall have access to a patient's personal 59682
records with the consent of the patient or the patient's legal 59683
guardian or, if the patient is a minor, with the consent of the 59684
parent or legal guardian of the patient. 59685

~~(H)~~(G) As used in this section, "branch institution" means a 59686
facility that is located apart from an institution and is under 59687
the control of the managing officer of the institution. 59688

Sec. 5123.166. (A) If good cause exists as specified in 59689
division (B) of this section and determined in accordance with 59690
procedures established in rules adopted under section 5123.1611 of 59691
the Revised Code, the director of developmental disabilities may 59692
issue an adjudication order requiring that one or more of the 59693
following actions be taken against a person or government entity 59694
seeking or holding a supported living certificate: 59695

(1) Refusal to issue or renew a supported living certificate; 59696

(2) Revocation of a supported living certificate; 59697

(3) Suspension of a supported living certificate holder's 59698
authority to do ~~either or both~~ any of the following: 59699

(a) Continue to provide supported living to one or more 59700
individuals ~~from one or more counties~~ who receive supported living 59701
from the certificate holder at the time the director takes the 59702
action; 59703

(b) Begin to provide supported living to one or more 59704
individuals ~~from one or more counties~~ who do not receive supported 59705

living from the certificate holder at the time the director takes 59706
the action; 59707

(c) Expand or add supported living services to one or more 59708
individuals who receive supported living from the certificate 59709
holder at the time the director takes action. 59710

(B) The following constitute good cause for taking action 59711
under division (A) of this section against a person or government 59712
entity seeking or holding a supported living certificate: 59713

(1) The person or government entity's failure to meet or 59714
continue to meet the applicable certification standards 59715
established in rules adopted under section 5123.1611 of the 59716
Revised Code; 59717

(2) The person or government entity violates section 5123.165 59718
of the Revised Code; 59719

(3) The person or government entity's failure to satisfy the 59720
requirements of section 5123.081 or 5123.52 of the Revised Code; 59721

(4) Misfeasance; 59722

(5) Malfeasance; 59723

(6) Nonfeasance; 59724

(7) Confirmed abuse or neglect; 59725

(8) Financial irresponsibility; 59726

(9) Other conduct the director determines is or would be 59727
injurious to individuals who receive or would receive supported 59728
living from the person or government entity. 59729

(C) Except as provided in division (D) of this section, the 59730
director shall issue an adjudication order under division (A) of 59731
this section in accordance with Chapter 119. of the Revised Code. 59732

(D)(1) The director may issue an order requiring that action 59733
specified in division (A)(3)(b) or (c) of this section be taken 59734

before a provider is provided notice and an opportunity for a hearing if ~~all~~ both of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;

~~(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both.~~

(2) The director may issue an order requiring that the action specified in division (A)(3)(a) of this section be taken before a provider is provided notice and an opportunity for a hearing if either of the following are is the case:

(a) The conditions identified in division (D)(1) of this section are met and all of the following apply:

(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section ~~and the.~~

(ii) The individual or guardian does not select another provider.

~~(ii)~~(iii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the

probate court does not issue an order authorizing the county board 59765
to arrange services for the individual pursuant to an 59766
individualized service plan developed for the individual under 59767
section 5126.31 of the Revised Code. 59768

~~(2)~~(b) Both of the following apply: 59769

(i) There is clear and convincing evidence that the provider 59770
has violated division (B) of this section. 59771

(ii) Allowing the provider to continue to provide supported 59772
living would present a danger of immediate and serious harm. 59773

(E) If the director issues an order under division (D)(1) or 59774
(2) of this section, sections 119.091 to 119.13 of the Revised 59775
Code and all of the following apply: 59776

~~(a)~~(1) The director shall send the provider notice of the 59777
order by ~~registered~~ certified mail, return receipt requested, not 59778
later than twenty-four hours after issuing the order and shall 59779
include in the notice the reasons for the order, the citation to 59780
the law or rule directly involved, and a statement that the 59781
provider will be afforded a hearing if the provider requests it in 59782
writing within ten days of the time of receiving the notice. 59783

~~(b)~~(2) If the provider requests a hearing within the required 59784
time and the provider has provided the director the provider's 59785
current address, the date for the hearing shall be as follows: 59786

(a) In the case of an order issued under division (D)(1) of 59787
this section, the director shall immediately set, and notify the 59788
provider of, the date, time, and place for the hearing. If the 59789
provider's written request for a hearing includes a request that 59790
the hearing be held not later than thirty days after the director 59791
receives the provider's timely request for the hearing, the date 59792
set for the hearing by the director shall be within thirty days. 59793

(b) In the case of an order issued under division (D)(2) of 59794

this section, the date set for the hearing by the director shall 59795
be within fifteen days, but not earlier than seven days, after the 59796
director receives the provider's timely request for the hearing, 59797
unless otherwise agreed to by the director and the provider. 59798

~~(c) The date of the hearing shall be not later than thirty~~ 59799
~~days after the director receives the provider's timely request for~~ 59800
~~the hearing.~~ 59801

~~(d)~~(3) The hearing shall be conducted in accordance with 59802
section 119.09 of the Revised Code, except for all of the 59803
following: 59804

(i) The hearing shall continue uninterrupted until its close, 59805
except for weekends, legal holidays, and other interruptions the 59806
provider and director agree to. 59807

(ii) If the director appoints a referee or examiner to 59808
conduct the hearing, the referee or examiner, not later than ten 59809
days after the date the referee or examiner receives a transcript 59810
of the testimony and evidence presented at the hearing or, if the 59811
referee or examiner does not receive the transcript or no such 59812
transcript is made, the date that the referee or examiner closes 59813
the record of the hearing, shall submit to the director a written 59814
report setting forth the referee or examiner's findings of fact 59815
and conclusions of law and a recommendation of the action the 59816
director should take. 59817

(iii) The provider may, not later than five days after the 59818
date the director, in accordance with section 119.09 of the 59819
Revised Code, sends the provider or the provider's attorney or 59820
other representative of record a copy of the referee or examiner's 59821
report and recommendation, file with the director written 59822
objections to the report and recommendation. 59823

(iv) The director shall approve, modify, or disapprove the 59824
referee or examiner's report and recommendation not earlier than 59825

six days, and not later than ~~fifteen~~ ten days, after the date the 59826
director, in accordance with section 119.09 of the Revised Code, 59827
sends a copy of the report and recommendation to the provider or 59828
the provider's attorney or other representative of record. 59829

~~(3)~~(F)(1) The director may lift an order issued under 59830
division (D)(1) of this section even though a hearing regarding 59831
the order is occurring or pending if the director determines that 59832
the provider has taken action eliminating the good cause for 59833
issuing the order. The hearing shall proceed unless the provider 59834
withdraws the request for the hearing in a written letter to the 59835
director. 59836

~~(4)~~(2) The director shall lift an order issued under division 59837
(D)(1) of this section if both of the following are the case: 59838

(a) The provider provides the director a plan of compliance 59839
the director determines is acceptable. 59840

(b) The director determines that the provider has implemented 59841
the plan of compliance correctly. 59842

(G) Any order issued under division (D)(2) of this section 59843
shall remain in effect, unless reversed on appeal, until a final 59844
adjudication order issued by the director pursuant to Chapter 119. 59845
of the Revised Code becomes effective. The director shall issue 59846
the final adjudication order within ten days after completion of 59847
the hearing. A failure to issue the order within ten days shall 59848
result in dissolution of the order issued under division (D)(2) of 59849
this section but shall not invalidate any subsequent final 59850
adjudication order. A final adjudication order shall not be 59851
subject to suspension by the court during pendency of any appeal 59852
filed under section 119.12 of the Revised Code. 59853

Sec. 5123.691. (A) As used in this section, "mental illness" 59854
has the same meaning as in section 5122.01 of the Revised Code. 59855

(B) The managing officer of an institution, with the concurrence of the chief program director, may admit into a specialized treatment unit for minors a minor ages ten to seventeen who is in behavior crisis and has serious behavioral challenges if one of the following applies: 59856
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(1) The minor has an intellectual disability. 59861

(2) The minor has autism spectrum disorder. 59862

(3) The minor has a dual diagnosis of an intellectual disability and mental illness. 59863
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(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness. 59865
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(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor. 59867
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(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit. 59870
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(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit. 59873
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(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days. 59880
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(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the 59883
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expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit beyond one year. 59886
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(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 59891
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(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit. 59894
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Sec. 5126.01. As used in this chapter: 59901

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code. 59902
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(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills. 59908
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(2) "Adult services" includes all of the following: 59915

(a) Adult day habilitation services;	59916
(b) Employment services;	59917
(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports.	59918 59919 59920 59921 59922 59923
(B)(1) "Adult day habilitation services" means adult services that do the following:	59924 59925
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	59926 59927 59928 59929 59930 59931 59932 59933
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	59934 59935 59936 59937
(2) "Adult day habilitation services" includes all of the following:	59938 59939
(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;	59940 59941 59942 59943
(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior	59944 59945

management intervention, occupational therapy, speech and language 59946
therapy, physical therapy, and nursing services; 59947

(c) Training and education in self-determination designed to 59948
help the individual do one or more of the following: develop 59949
self-advocacy skills, exercise the individual's civil rights, 59950
acquire skills that enable the individual to exercise control and 59951
responsibility over the services received, and acquire skills that 59952
enable the individual to become more independent, integrated, or 59953
productive in the community; 59954

(d) Recreational and leisure activities identified in the 59955
individual's service plan as therapeutic in nature or assistive in 59956
developing or maintaining social supports; 59957

(e) Transportation necessary to access adult day habilitation 59958
services; 59959

(f) Habilitation management, as described in section 5126.14 59960
of the Revised Code. 59961

(3) "Adult day habilitation services" does not include 59962
activities that are components of the provision of residential 59963
services, family support services, or supported living services. 59964

(C) "Appointing authority" means the following: 59965

(1) In the case of a member of a county board of 59966
developmental disabilities appointed by, or to be appointed by, a 59967
board of county commissioners, the board of county commissioners; 59968

(2) In the case of a member of a county board appointed by, 59969
or to be appointed by, a senior probate judge, the senior probate 59970
judge. 59971

(D) "Community employment," "competitive employment," and 59972
"integrated setting" have the same meanings as in section 5123.022 59973
of the Revised Code. 59974

(E) "Supported employment services" means vocational 59975

assessment, job training and coaching, job development and	59976
placement, worksite accessibility, and other services related to	59977
employment outside a sheltered workshop. "Supported employment	59978
services" includes both of the following:	59979
(1) Job training resulting in the attainment of community	59980
employment, supported work in a typical work environment, or	59981
self-employment;	59982
(2) Support for ongoing community employment, supported work	59983
at community-based sites, or self-employment.	59984
(F) "Developmental disability" means a severe, chronic	59985
disability that is characterized by all of the following:	59986
(1) It is attributable to a mental or physical impairment or	59987
a combination of mental and physical impairments, other than a	59988
mental or physical impairment solely caused by mental illness as	59989
defined in division (A) of section 5122.01 of the Revised Code;	59990
(2) It is manifested before age twenty-two;	59991
(3) It is likely to continue indefinitely;	59992
(4) It results in one of the following:	59993
(a) In the case of a person under age three, at least one	59994
developmental delay, as defined in rules adopted under section	59995
5123.011 of the Revised Code, or a diagnosed physical or mental	59996
condition that has a high probability of resulting in a	59997
developmental delay, as defined in those rules;	59998
(b) In the case of a person at least age three but under age	59999
six, at least two developmental delays, as defined in rules	60000
adopted under section 5123.011 of the Revised Code;	60001
(c) In the case of a person age six or older, a substantial	60002
functional limitation in at least three of the following areas of	60003
major life activity, as appropriate for the person's age:	60004
self-care, receptive and expressive language, learning, mobility,	60005

self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

"Developmental disability" includes intellectual disability.

(G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with developmental disabilities who have not attained compulsory school age.

(H) "Employment services" means prevocational services or supported employment services.

(I)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.

(J) "Family support services" means the services provided 60036
under a family support services program operated under section 60037
5126.11 of the Revised Code. 60038

(K) "Habilitation" means the process by which the staff of 60039
the facility or agency assists an individual with a developmental 60040
disability in acquiring and maintaining those life skills that 60041
enable the individual to cope more effectively with the demands of 60042
the individual's own person and environment, and in raising the 60043
level of the individual's personal, physical, mental, social, and 60044
vocational efficiency. Habilitation includes, but is not limited 60045
to, programs of formal, structured education and training. 60046

(L) "Home and community-based services" has the same meaning 60047
as in section 5123.01 of the Revised Code. 60048

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 60049
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 60050

(N) "Immediate family" means parents, grandparents, brothers, 60051
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 60052
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 60053
daughters-in-law. 60054

(O) "Intellectual disability" means a mental impairment 60055
manifested during the developmental period characterized by 60056
significantly subaverage general intellectual functioning existing 60057
concurrently with deficiencies in the effectiveness or degree with 60058
which an individual meets the standards of personal independence 60059
and social responsibility expected of the individual's age and 60060
cultural group. 60061

(P) "Medicaid case management services" means case management 60062
services provided to an individual with a developmental disability 60063
that the state medicaid plan requires. 60064

(Q) "Prevocational services" means services that provide 60065
learning and work experiences, including volunteer work 60066

experiences, from which an individual can develop general 60067
strengths and skills that are not specific to a particular task or 60068
job but contribute to employability in community employment, 60069
supported work at community-based sites, or self-employment. 60070

(R) "Residential services" means services to individuals with 60071
developmental disabilities to provide housing, food, clothing, 60072
habilitation, staff support, and related support services 60073
necessary for the health, safety, and welfare of the individuals 60074
and the advancement of their quality of life. "Residential 60075
services" includes program management, as described in section 60076
5126.14 of the Revised Code. "Residential services" does not 60077
include ICF/IID services. 60078

(S) "Resources" means available capital and other assets, 60079
including moneys received from the federal, state, and local 60080
governments, private grants, and donations; appropriately 60081
qualified personnel; and appropriate capital facilities and 60082
equipment. 60083

(T) "Senior probate judge" means the current probate judge of 60084
a county who has served as probate judge of that county longer 60085
than any of the other current probate judges of that county. If a 60086
county has only one probate judge, "senior probate judge" means 60087
that probate judge. 60088

(U) "Service and support administration" means the duties 60089
performed by a service and support administrator pursuant to 60090
section 5126.15 of the Revised Code. 60091

(V)(1) "Specialized medical, adaptive, and assistive 60092
equipment, supplies, and supports" means equipment, supplies, and 60093
supports that enable an individual to increase the ability to 60094
perform activities of daily living or to perceive, control, or 60095
communicate within the environment. 60096

(2) "Specialized medical, adaptive, and assistive equipment, 60097

supplies, and supports" includes the following: 60098

(a) Eating utensils, adaptive feeding dishes, plate guards, 60099
mylatex straps, hand splints, reaches, feeder seats, adjustable 60100
pointer sticks, interpreter services, telecommunication devices 60101
for the deaf, computerized communications boards, other 60102
communication devices, support animals, veterinary care for 60103
support animals, adaptive beds, supine boards, prone boards, 60104
wedges, sand bags, sidelayers, bolsters, adaptive electrical 60105
switches, hand-held shower heads, air conditioners, humidifiers, 60106
emergency response systems, folding shopping carts, vehicle lifts, 60107
vehicle hand controls, other adaptations of vehicles for 60108
accessibility, and repair of the equipment received. 60109

(b) Nondisposable items not covered by medicaid that are 60110
intended to assist an individual in activities of daily living or 60111
instrumental activities of daily living. 60112

(W) "Supportive home services" means a range of services to 60113
families of individuals with developmental disabilities to develop 60114
and maintain increased acceptance and understanding of such 60115
persons, increased ability of family members to teach the person, 60116
better coordination between school and home, skills in performing 60117
specific therapeutic and management techniques, and ability to 60118
cope with specific situations. 60119

(X)(1) "Supported living" means services provided for as long 60120
as twenty-four hours a day to an individual with a developmental 60121
disability through any public or private resources, including 60122
moneys from the individual, that enhance the individual's 60123
reputation in community life and advance the individual's quality 60124
of life by doing the following: 60125

(a) Providing the support necessary to enable an individual 60126
to live in a residence of the individual's choice, with any number 60127
of individuals who are not disabled, or with not more than three 60128

individuals with developmental disabilities unless the individuals
are related by blood or marriage;

(b) Encouraging the individual's participation in the
community;

(c) Promoting the individual's rights and autonomy;

(d) Assisting the individual in acquiring, retaining, and
improving the skills and competence necessary to live successfully
in the individual's residence.

(2) "Supported living" includes the provision of all of the
following:

(a) Housing, food, clothing, habilitation, staff support,
professional services, and any related support services necessary
to ensure the health, safety, and welfare of the individual
receiving the services;

(b) A combination of lifelong or extended-duration
supervision, training, and other services essential to daily
living, including assessment and evaluation and assistance with
the cost of training materials, transportation, fees, and
supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications
to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of
the Revised Code.

Sec. 5126.042. (A) As used in this section, "~~Department~~
department of developmental disabilities-administered medicaid
waiver component" means a medicaid waiver component administered
by the department of developmental disabilities pursuant to

section 5166.21 of the Revised Code. 60158

(B) If a county board of developmental disabilities 60159
determines that available resources are not sufficient to meet the 60160
needs of all individuals who request non-medicaid programs or 60161
services, it shall establish one or more waiting lists for the 60162
non-medicaid programs or services in accordance with its plan 60163
developed under section 5126.04 of the Revised Code. The board may 60164
establish priorities for making placements on its waiting lists 60165
established under this division. Any such priorities shall be 60166
consistent with the board's plan and applicable law. 60167

(C) If a county board determines that available resources are 60168
insufficient to enroll in department of developmental 60169
disabilities-administered medicaid waiver components all 60170
individuals who are assessed as needing home and community-based 60171
services and have requested those services, it shall establish a 60172
waiting list for the services in accordance with rules adopted 60173
under this section. Before placing an individual on a waiting list
established under this division, the board shall inform the
individual of the option to receive ICF/IID services, provide the
individual with the contact information for all ICFs/IID located
in the county the board serves and contiguous counties, and direct
the individual to the list of ICF/IID providers included on the
department's internet web site pursuant to section 5123.0425 of
the Revised Code. 60174
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(D) The director of developmental disabilities shall adopt 60182
rules in accordance with Chapter 119. of the Revised Code 60183
governing a county board's waiting list established under division 60184
(C) of this section, including rules that establish all of the 60185
following: 60186

(1) Procedures a county board is to follow to transition 60187
individuals from a waiting list the county board established under 60188

division (C) of this section before ~~the effective date of this~~ 60189
~~amendment~~ September 29, 2017, to the waiting list the county board 60190
establishes under that division after that date; 60191

(2) Procedures by which a county board is to ensure that the 60192
due process rights of individuals placed on the county board's 60193
waiting list are observed; 60194

(3) Criteria a county board is to use to determine all of the 60195
following: 60196

(a) An individual's eligibility to be placed on the county 60197
board's waiting list; 60198

(b) The date an individual ~~was~~ who has been assessed as 60199
needing home and community-based services requests the services; 60200

(c) The order in which individuals on the county board's 60201
waiting list are to be offered enrollment in a department of 60202
developmental disabilities-administered medicaid waiver component; 60203

(d) The department of developmental disabilities-administered 60204
medicaid waiver component in which an individual on the county 60205
board's waiting list is to be offered enrollment. 60206

(4) Grounds for removing an individual from the county 60207
board's waiting list. 60208

(E) The director shall consult with all of the following when 60209
adopting rules under division (D) of this section: 60210

(1) Individuals with developmental disabilities; 60211

(2) Associations representing individuals with developmental 60212
disabilities and the families of such individuals; 60213

(3) Associations representing providers of services to 60214
individuals with developmental disabilities; 60215

(4) The Ohio association of county boards serving people with 60216
developmental disabilities. 60217

(F) The following shall take precedence over the applicable provisions of this section:

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports.

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may appeal under section 5160.31 of the Revised Code.

(B) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual.

(C) An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services.

(D) An individual with a developmental disability who is 60248
eligible for nonmedicaid residential services or nonmedicaid 60249
supported living has the right to obtain the services from any 60250
provider of the residential services or supported living that is 60251
qualified to furnish the residential services or supported living 60252
and is willing to furnish the residential services or supported 60253
living to the individual. 60254

~~(C) The department of developmental disabilities shall make 60255
available to the public on its internet web site an up to date 60256
list of all providers of home and community based services, 60257
nonmedicaid residential services, and nonmedicaid supported 60258
living. County boards shall assist individuals with developmental 60259
disabilities and the families of such individuals access the list 60260
on the department's internet web site. 60261~~

~~(D)~~(E) The director of developmental disabilities shall adopt 60262
rules in accordance with Chapter 119. of the Revised Code 60263
governing the implementation of this section. The rules shall 60264
include procedures for individuals to choose their providers. 60265

Sec. 5126.047. (A) When an individual with a developmental 60266
disability or a person acting on such an individual's behalf 60267
contacts a county board of developmental disabilities about the 60268
program and services offered pursuant to this chapter and Chapter 60269
3323. of the Revised Code, the county board shall inform the 60270
individual or person about the different types of programs and 60271
services so offered, including both ICF/IID services and home and 60272
community-based services. When informing the individual or person 60273
about ICF/IID services and home and community-based services, the 60274
county board at a minimum shall do both of the following: 60275

(1) Provide the individual or person a copy of the written 60276
pamphlet developed by the department of developmental disabilities 60277
under section 5124.69 of the Revised Code; 60278

(2) Assist the individual or person in accessing the list of providers of ICF/IID services and home and community-based services that the department of developmental disabilities makes available on its internet web site pursuant to section 5123.0425 of the Revised Code.

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(B) If an individual with a developmental disability or a person acting on such an individual's behalf contacts a county board to express interest in ICF/IID services, the county board shall provide the individual or person contact information for all ICFs/IID located in the county that the county board serves and contiguous counties.

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Sec. 5126.05. (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, ~~the~~ each county board of developmental disabilities shall:

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(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

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(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;

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(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

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(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and

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ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits. A county board may provide benefits through an individual or joint self-insurance program as provided under section 9.833 of the Revised Code.

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;

(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;

(11) Set benchmarks for improving community employment

outcomes; 60340

(12) Do all of the following regarding the county board's internet web site: 60341

(a) Include on the web site links to the pages on the department of developmental disabilities' internet web site that have the information that section 5123.0425 of the Revised Code requires be made available to the public; 60343
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(b) If the county board lists on the web site the types of programs and services offered pursuant to this chapter and Chapter 3323. of the Revised Code, include on the list ICF/IID services; 60347
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(c) If the county board lists on the web site specific providers of programs and services offered pursuant to this chapter and Chapter 3323. of the Revised Code, include on the list all ICFs/IID that are located in the county that the county board serves and contiguous counties. 60350
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(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code. 60355
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(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code. 60360
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(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children 60368
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enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code. 60371
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(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 60373
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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest. 60378
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(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose. 60392
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Sec. 5126.053. (A) Beginning April 1, 2020, and then annually thereafter on or before the first day of April each year, each county board of developmental disabilities shall submit to the department of developmental disabilities, in the format established pursuant to division (B) of this section, a five-year 60397
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projection of revenues and expenditures. Each five-year projection shall be approved by the superintendent of the county board. 60402
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The department shall review each five-year projection and may require a county board to do any of the following within the time frame specified by the department: 60404
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(1) Submit additional information; 60407

(2) Permit employees or agents of the department to visit the county board to review documents and other records that are relevant to the department's review of the five-year projection; 60408
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(3) Submit a revised five-year projection; 60411

(4) Complete any reasonable accounting action the director of developmental disabilities considers necessary in order to obtain an accurate five-year projection. 60412
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(B) The department, in consultation with the Ohio association of county boards of developmental disabilities, shall establish guidelines for completing and formatting the five-year projection required by division (A) of this section. 60415
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(C) In addition to reviewing a five-year projection submitted pursuant to division (A) of this section, the department, or an entity designated by or working under contract with the department, may conduct additional reviews as the department considers necessary to assess any county board's fiscal condition. The department shall provide prior notice to a county board of any planned review. 60419
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The department may issue recommendations to discontinue or correct fiscal practices or budgetary conditions that prompted, or were discovered by, an additional review under this division. The superintendent of a county board shall respond in writing to any such recommendations within ninety days. 60426
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(D) If a county board fails to submit a five-year projection 60431

to the department on or before the date specified in division (A) 60432
of this section, the superintendent of the county board shall 60433
submit to the department an explanation of the circumstances that 60434
prevented the timely submission. If the department finds the 60435
explanation to be sufficient, the department may grant an 60436
extension for the submission of the county board's five-year 60437
projection. If the department finds the explanation insufficient, 60438
or if no explanation is submitted, the department may do either of 60439
the following: 60440

(1) Conduct further reviews as necessary to complete the 60441
five-year projections at full cost to the county board; 60442

(2) Revoke the certification of the superintendent. 60443

(E) If the department determines that a county board 60444
willfully provided erroneous, inaccurate, or incomplete data as 60445
part of its five-year projection submitted pursuant to division 60446
(A) of this section, the department may take action as provided 60447
under division (D)(1) or (2) of this section. 60448

Sec. 5126.054. ~~(A) Each~~ Annually, on or before the 60449
thirty-first day of December each year, each county board of 60450
developmental disabilities shall, by resolution, develop a 60451
three-calendar year and submit to the department of developmental 60452
disabilities an annual plan that includes the following three 60453
components: 60454

~~(1) An assessment component that includes all of the~~ 60455
~~following:~~ 60456

~~(a)(A) The number of individuals with developmental~~ 60457
~~disabilities residing in the county who need the level of care~~ 60458
~~provided by an ICF/IID, may seek home and community based~~ 60459
~~services, and are placed on the county board's waiting list~~ 60460
~~established for the services pursuant to section 5126.042 of the~~ 60461

Revised Code; the service needs of those individuals; and the 60462
projected annualized cost for services; 60463

~~(b) The source of funds available to the county board to pay 60464
the nonfederal share of medicaid expenditures that the county 60465
board is required by sections 5126.059 and 5126.0510 of the 60466
Revised Code to pay; 60467~~

~~(c)(B) The projected number of individuals to whom the board 60468
intends to provide home and community-based services based on 60469
available funding as projected in the board's annual five-year 60470
projection report submitted pursuant to section 5126.053 of the 60471
Revised Code; 60472~~

~~(C) How the services are to be phased in over the period the 60473
plan covers, including how the county board will serve the 60474
individuals identified in divisions (A)(1) and (2) of this 60475
section; 60476~~

~~(D) Any other applicable information or conditions that the 60477
department of developmental disabilities requires as a condition 60478
of approving the component plan under section 5123.046 of the 60479
Revised Code. 60480~~

~~(2) A preliminary implementation component that specifies the 60481
number of individuals to be provided, during the first year that 60482
the plan is in effect, home and community based services pursuant 60483
to their placement on the county board's waiting list established 60484
for the services pursuant to section 5126.042 of the Revised Code 60485
and the types of home and community based services the individuals 60486
are to receive; 60487~~

~~(3) A component that provides for the implementation of 60488
medicaid case management services and home and community based 60489
services for individuals who begin to receive the services on or 60490
after the date the plan is approved under section 5123.046 of the 60491
Revised Code. A county board shall include all of the following in 60492~~

~~the component;~~ 60493

~~(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~ 60494
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~~(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code;~~ 60499
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~~(c) Any agreement or commitment regarding the county board's funding of home and community based services that the county board has with the department at the time the county board develops the component;~~ 60503
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~~(d) Assurances adequate to the department that the county board will comply with all of the following requirements:~~ 60507
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~~(i) To provide the types of home and community based services specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;~~ 60509
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~~(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;~~ 60513
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~~(iii) To employ or contract with a business manager or enter into an agreement with another county board of developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. No superintendent of a county board may serve as the county board's business manager.~~ 60518
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~~(iv) To employ or contract with a medicaid services manager 60524
or enter into an agreement with another county board of 60525
developmental disabilities that employs or contracts with a 60526
medicaid services manager to have the medicaid services manager 60527
serve both county boards. No superintendent of a county board may 60528
serve as the county board's medicaid services manager. 60529~~

~~(e) Programmatic and financial accountability measures and 60530
projected outcomes expected from the implementation of the plan; 60531~~

~~(f) Any other applicable information or conditions that the 60532
department requires as a condition of approving the component 60533
under section 5123.046 of the Revised Code. 60534~~

~~(B) A county board whose plan developed under division (A) of 60535
this section is approved by the department under section 5123.046 60536
of the Revised Code shall update and renew the plan in accordance 60537
with a schedule the department shall develop. 60538~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 60540
the Revised Code, a county board of developmental disabilities has 60541
medicaid local administrative authority to, and shall, do all of 60542
the following for an individual with a developmental disability 60543
who resides in the county that the county board serves and seeks 60544
or receives home and community-based services: 60545

(1) Perform assessments and evaluations of the individual. As 60546
part of the assessment and evaluation process, all of the 60547
following apply: 60548

(a) The county board shall make a recommendation to the 60549
department of developmental disabilities on whether the department 60550
should approve or deny the individual's application for the 60551
services, including on the basis of whether the individual needs 60552
the level of care an ICF/IID provides. 60553

(b) If the individual's application is denied because of the 60554

county board's recommendation and the individual appeals pursuant 60555
to section 5160.31 of the Revised Code, the county board shall 60556
present, with the department of developmental disabilities or 60557
department of medicaid, whichever denies the application, the 60558
reasons for the recommendation and denial at the hearing. 60559

(c) If the individual's application is approved, the county 60560
board shall recommend to the departments of developmental 60561
disabilities and medicaid the services that should be included in 60562
the individual service plan. If either department under section 60563
5166.21 of the Revised Code approves, reduces, denies, or 60564
terminates a service included in the plan because of the county 60565
board's recommendation, the board shall present, with the 60566
department that made the approval, reduction, denial, or 60567
termination, the reasons for the recommendation and approval, 60568
reduction, denial, or termination at a hearing held pursuant to an 60569
appeal made under section 5160.31 of the Revised Code. 60570

(2) Perform any duties assigned to the county board in rules 60571
adopted under section 5126.046 of the Revised Code regarding the 60572
individual's right to choose a qualified and willing provider of 60573
the services and, at a hearing held pursuant to an appeal made 60574
under section 5160.31 of the Revised Code, present evidence of the 60575
process for appropriate assistance in choosing providers; 60576

(3) If the county board is certified under section 5123.161 60577
of the Revised Code to provide the services and agrees to provide 60578
the services to the individual and the individual chooses the 60579
county board to provide the services, furnish, in accordance with 60580
the county board's medicaid provider agreement and for the 60581
authorized reimbursement rate, the services the individual 60582
requires; 60583

(4) Monitor the services provided to the individual and 60584
ensure the individual's health, safety, and welfare. The 60585
monitoring shall include quality assurance activities. If the 60586

county board provides the services, the department of 60587
developmental disabilities shall also monitor the services. 60588

(5) Develop, with the individual and the provider of the 60589
individual's services, an effective individual service plan that 60590
includes coordination of services, recommend that the departments 60591
of developmental disabilities and medicaid approve the plan, and 60592
implement the plan unless either department disapproves it. The 60593
plan shall include a summary page, agreed to by the county board, 60594
provider, and individual receiving services, that clearly outlines 60595
the amount, duration, and scope of services to be provided under 60596
the plan. 60597

(6) Have an investigative agent conduct investigations under 60598
section 5126.313 of the Revised Code that concern the individual; 60599

(7) Have a service and support administrator perform the 60600
duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised 60601
Code that concern the individual. 60602

(B) A county board shall perform its medicaid local 60603
administrative authority under this section in accordance with all 60604
of the following: 60605

(1) The county board's plan that the department of 60606
developmental disabilities approves under section 5123.046 of the 60607
Revised Code; 60608

(2) All applicable federal and state laws; 60609

(3) All applicable policies of the departments of 60610
developmental disabilities and medicaid and the United States 60611
department of health and human services; 60612

(4) The department of medicaid's supervision under its 60613
authority as the single state medicaid agency; 60614

(5) The department of developmental disabilities' oversight. 60615

(C) The departments of developmental disabilities and 60616

medicaid shall communicate with and provide training to county 60617
boards regarding medicaid local administrative authority granted 60618
by this section. The communication and training shall include 60619
issues regarding audit protocols and other standards established 60620
by the United States department of health and human services that 60621
the departments determine appropriate for communication and 60622
training. County boards shall participate in the training. The 60623
departments shall assess the county board's compliance against 60624
uniform standards that the departments shall establish. 60625

(D) A county board may not delegate its medicaid local 60626
administrative authority granted under this section but may 60627
contract with a person or government entity, including a council 60628
of governments, for assistance with its medicaid local 60629
administrative authority. A county board that enters into such a 60630
contract shall notify the director of developmental disabilities. 60631
The notice shall include the tasks and responsibilities that the 60632
contract gives to the person or government entity. The person or 60633
government entity shall comply in full with all requirements to 60634
which the county board is subject regarding the person or 60635
government entity's tasks and responsibilities under the contract. 60636
The county board remains ultimately responsible for the tasks and 60637
responsibilities. 60638

(E) A county board that has medicaid local administrative 60639
authority under this section shall, through the departments of 60640
developmental disabilities and medicaid, reply to, and cooperate 60641
in arranging compliance with, a program or fiscal audit or program 60642
violation exception that a state or federal audit or review 60643
discovers. The department of medicaid shall timely notify the 60644
department of developmental disabilities and the county board of 60645
any adverse findings. After receiving the notice, the county 60646
board, in conjunction with the department of developmental 60647
disabilities, shall cooperate fully with the department of 60648

medicaid and timely prepare and send to the department a written 60649
plan of correction or response to the adverse findings. The county 60650
board is liable for any adverse findings that result from an 60651
action it takes or fails to take in its implementation of medicaid 60652
local administrative authority. 60653

(F) If the department of developmental disabilities or 60654
department of medicaid determines that a county board's 60655
implementation of its medicaid local administrative authority 60656
under this section is deficient, the department that makes the 60657
determination shall require that county board do the following: 60658

(1) If the deficiency affects the health, safety, or welfare 60659
of an individual with a developmental disability, correct the 60660
deficiency within twenty-four hours; 60661

(2) If the deficiency does not affect the health, safety, or 60662
welfare of an individual with a developmental disability, receive 60663
technical assistance from the department or submit a plan of 60664
correction to the department that is acceptable to the department 60665
within sixty days and correct the deficiency within the time 60666
required by the plan of correction. 60667

Sec. 5126.056. (A) The department of developmental 60668
disabilities shall take action under division (B) of this section 60669
against a county board of developmental disabilities if any of the 60670
following are the case: 60671

(1) The county board fails to submit to the department all 60672
the components of its ~~three-year~~ annual plan required by section 60673
5126.054 of the Revised Code. 60674

(2) The department disapproves the county board's ~~three-year~~ 60675
annual plan under section 5123.046 of the Revised Code. 60676

(3) ~~The county board fails, as required by division (B) of~~ 60677
~~section 5126.054 of the Revised Code, to update and renew its~~ 60678

~~three year plan in accordance with a schedule the department
develops under that section.~~ 60679
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~~(4)~~ The county board fails to implement its ~~initial or~~ 60681
~~renewed three year~~ annual plan approved by the department. 60682

~~(5)~~(4) The county board fails to correct a deficiency within 60683
the time required by division (F) of section 5126.055 of the 60684
Revised Code to the satisfaction of the department. 60685

~~(6)~~(5) The county board fails to submit an acceptable plan of 60686
correction to the department within the time required by division 60687
(F)(2) of section 5126.055 of the Revised Code. 60688

(B) If required by division (A) of this section to take 60689
action against a county board, the department shall issue an order 60690
terminating the county board's medicaid local administrative 60691
authority over all or part of home and community-based services, 60692
medicaid case management services, or all or part of both of those 60693
services. The department shall provide a copy of the order to the 60694
board of county commissioners, senior probate judge, county 60695
auditor, and president and superintendent of the county board. The 60696
department shall specify in the order the medicaid local 60697
administrative authority that the department is terminating, the 60698
reason for the termination, and the county board's option and 60699
responsibilities under this division. 60700

A county board whose medicaid local administrative authority 60701
is terminated may, not later than thirty days after the department 60702
issues the termination order, recommend to the department that 60703
another county board that has not had any of its medicaid local 60704
administrative authority terminated or another entity the 60705
department approves administer the services for which the county 60706
board's medicaid local administrative authority is terminated. The 60707
department may contract with the other county board or entity to 60708
administer the services. If the department enters into such a 60709

contract, the county board shall adopt a resolution giving the 60710
other county board or entity full medicaid local administrative 60711
authority over the services that the other county board or entity 60712
is to administer. The other county board or entity shall be known 60713
as the contracting authority. 60714

If the department rejects the county board's recommendation 60715
regarding a contracting authority, the county board may appeal the 60716
rejection under section 5123.043 of the Revised Code. 60717

If the county board does not submit a recommendation to the 60718
department regarding a contracting authority within the required 60719
time or the department rejects the county board's recommendation 60720
and the rejection is upheld pursuant to an appeal, if any, under 60721
section 5123.043 of the Revised Code, the department shall appoint 60722
an administrative receiver to administer the services for which 60723
the county board's medicaid local administrative authority is 60724
terminated. To the extent necessary for the department to appoint 60725
an administrative receiver, the department may utilize employees 60726
of the department, management personnel from another county board, 60727
or other individuals who are not employed by or affiliated with in 60728
any manner a person that provides home and community-based 60729
services or medicaid case management services pursuant to a 60730
contract with any county board. The administrative receiver shall 60731
assume full administrative responsibility for the county board's 60732
services for which the county board's medicaid local 60733
administrative authority is terminated. 60734

The contracting authority or administrative receiver shall 60735
develop and submit to the department a plan of correction to 60736
remediate the problems that caused the department to issue the 60737
termination order. If, after reviewing the plan, the department 60738
approves it, the contracting authority or administrative receiver 60739
shall implement the plan. 60740

The county board shall transfer control of state and federal 60741

funds it is otherwise eligible to receive for the services for 60742
which the county board's medicaid local administrative authority 60743
is terminated and funds the county board may use under division 60744
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 60745
share of the services that the county board is required by 60746
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 60747
county board shall transfer control of the funds to the 60748
contracting authority or administrative receiver administering the 60749
services. The amount the county board shall transfer shall be the 60750
amount necessary for the contracting authority or administrative 60751
receiver to fulfill its duties in administering the services, 60752
including its duties to pay its personnel for time worked, travel, 60753
and related matters. If the county board fails to make the 60754
transfer, the department may withhold the state and federal funds 60755
from the county board and bring a mandamus action against the 60756
county board in the court of common pleas of the county served by 60757
the county board or in the Franklin county court of common pleas. 60758
The mandamus action may not require that the county board transfer 60759
any funds other than the funds the county board is required by 60760
division (B) of this section to transfer. 60761

The contracting authority or administrative receiver has the 60762
right to authorize the payment of bills in the same manner that 60763
the county board may authorize payment of bills under this chapter 60764
and section 319.16 of the Revised Code. 60765

Sec. 5126.131. (A)(1) Each regional council established under 60766
section 5126.13 of the Revised Code shall file with the department 60767
of developmental disabilities an annual cost report detailing the 60768
regional council's income and expenditures. 60769

(2) Each county board of developmental disabilities shall 60770
file with the department an annual cost report detailing the 60771
board's income and expenditures. 60772

(B)(1)(a) Unless the department establishes a later date for 60773
all regional council cost reports, each council shall file its 60774
cost report not later than the last day of April. At the written 60775
request of a regional council, the department may grant a 60776
fourteen-day extension for filing the cost report. 60777

(b) Unless the department establishes a later date for all 60778
county board cost reports, each board shall file its cost report 60779
not later than the last day of May. At the written request of a 60780
board, the department may grant a fourteen-day extension for 60781
filing the board's cost report. 60782

(2) The cost report shall contain information on the previous 60783
calendar year's income and expenditures. Once filed by a regional 60784
council or board, no changes may be made to the cost report, 60785
including the submission of additional documentation, except as 60786
otherwise provided in this section. 60787

(C) Each cost report filed under this section by a regional 60788
council or board ~~shall~~ may be audited by the department or an 60789
entity designated by the department. The department or designated 60790
entity shall notify the regional council or board of the date on 60791
which the audit is to begin. The department may permit a regional 60792
council or board to submit changes to the cost report before the 60793
audit begins. 60794

If the department or designated entity determines that a 60795
filed cost report is not auditable, it shall provide written 60796
notification to the regional council or board of the cost report's 60797
deficiencies and may request additional documentation. If the 60798
department or designated entity requests additional documentation, 60799
the regional council or board shall be given sixty days after the 60800
request is made to provide the additional documentation. After 60801
sixty days, the department or designated entity shall determine 60802
whether the cost report is auditable with any additional 60803
documentation provided and shall notify the regional council or 60804

board of its determination. The determination of the department or designated entity is final. 60805
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(D) The department or designated entity shall certify its audit as complete and file a copy of the certified audit in the office of the clerk of the governing body, executive officer of the governing body, and chief fiscal officer of the audited regional council or board. Changes may not be made to a cost report once the department or designated entity files the certified audit. The cost report is not a public record under section 149.43 of the Revised Code until copies of the cost report are filed pursuant to this section. 60807
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(E) The department may withhold any funds that it distributes to a regional council or board as subsidy payments if either of the following is the case: 60816
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(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section. 60819
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(2) The cost report is determined not auditable under division (C) of this section after the department or designated entity gives the regional council or board sixty days to provide additional documentation. 60822
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(F) Cost reports shall be retained by regional councils and boards for seven years. The department shall provide annual training to regional council and board employees regarding cost reports required by this section. 60826
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(G) The department, in accordance with Chapter 119. of the Revised Code, may adopt any rules necessary to implement this section. 60830
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Sec. 5126.15. (A) A county board of developmental disabilities shall provide service and support administration to 60833
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each individual three years of age or older who is eligible for 60835
service and support administration if the individual requests, or 60836
a person on the individual's behalf requests, service and support 60837
administration. A board shall provide service and support 60838
administration to each individual receiving home and 60839
community-based services. A board may provide, in accordance with 60840
the service coordination requirements of 34 C.F.R. 303.23, service 60841
and support administration to an individual under three years of 60842
age eligible for early intervention services under 34 C.F.R. part 60843
303. A board may provide service and support administration to an 60844
individual who is not eligible for other services of the board. 60845
Service and support administration shall be provided in accordance 60846
with rules adopted under section 5126.08 of the Revised Code. 60847

A board may provide service and support administration by 60848
directly employing service and support administrators or by 60849
contracting with entities for the performance of service and 60850
support administration. Individuals employed or under contract as 60851
service and support administrators shall not be in the same 60852
collective bargaining unit as employees who perform duties that 60853
are not administrative. 60854

A service and support administrator shall perform only the 60855
duties specified in division (B) of this section. While employed 60856
by or under contract with a board, a service and support 60857
administrator shall neither be employed by or serve in a 60858
decision-making or policy-making capacity for any other entity 60859
that provides programs or services to individuals with 60860
developmental disabilities nor provide programs or services to 60861
individuals with ~~mental retardation or~~ developmental disabilities 60862
through self-employment. 60863

(B) A service and support administrator shall do all of the 60864
following: 60865

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;	60866 60867
(2) Assess individual needs for services;	60868
(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;	60869 60870 60871 60872 60873 60874
(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;	60875 60876
(5) Assist individuals in making selections from among the providers they have chosen;	60877 60878
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	60879 60880
(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;	60881 60882 60883 60884
(8) Perform quality assurance reviews as a distinct function of service and support administration;	60885 60886
(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.	60887 60888 60889 60890 60891
Sec. 5139.87. (A) The department of youth services shall serve as the state agent for the administration of all federal juvenile justice grants awarded to the state.	60892 60893 60894

(B) There ~~are~~ is hereby created in the state treasury the 60895
~~federal juvenile justice programs funds and delinquency prevention~~ 60896
~~fund. A separate fund shall be established each federal fiscal~~ 60897
~~year.~~ All federal grants and other moneys received for federal 60898
juvenile programs shall be deposited into the ~~funds~~ fund. All 60899
receipts deposited into the ~~funds~~ fund shall be used for federal 60900
juvenile programs. All investment earnings on the cash balance in 60901
~~a federal juvenile program~~ the fund shall be credited to ~~that~~ the 60902
~~fund for the appropriate federal fiscal year. The department of~~ 60903
~~youth services shall maintain a financial activity report of each~~ 60904
~~individual grant within the fund, including any expenses or~~ 60905
~~revenues credited to those individual grants.~~ 60906

~~(C) All rules, orders, and determinations of the office of~~ 60907
~~criminal justice services regarding the administration of federal~~ 60908
~~juvenile justice grants that are in effect on the effective date~~ 60909
~~of this amendment shall continue in effect as rules, orders, and~~ 60910
~~determinations of the department of youth services.~~ 60911

Sec. 5145.162. (A) There is hereby created the office of 60912
enterprise development advisory board to advise and assist the 60913
department of rehabilitation and correction with the creation of 60914
training programs and jobs for inmates and releasees through 60915
partnerships with private sector businesses. The board shall 60916
consist of at least five appointed members and the staff 60917
representative assigned by the correctional institution inspection 60918
committee, who shall serve as an ex officio member. Each member 60919
shall have experience in labor relations, marketing, business 60920
management, or business. The members and chairperson shall be 60921
appointed by the director of the department of rehabilitation and 60922
correction. 60923

(B) Each member of the advisory board shall receive no 60924
compensation but may be reimbursed for expenses actually and 60925

necessarily incurred in the performance of official duties of the board. Members of the board who are state employees shall be reimbursed for expenses pursuant to travel rules promulgated by the office of budget and management.

(C) The advisory board shall adopt procedures for the conduct of the board's meetings. The board shall meet at least once every quarter, and otherwise shall meet at the call of the chairperson or the director of the department of rehabilitation and correction. Sixty per cent of the members shall constitute a quorum. No transaction of the board's business shall be taken without the concurrence of a quorum of the members. The board may have committees with persons who are not members of the board but whose experience and expertise is relevant and useful to the work of the committee.

(D) The advisory board shall have the following duties:

(1) Solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates ~~and~~, releasees, and Ohio penal industries;

(2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction;

(3) Recommend to the office of enterprise development any legislation, administrative rule, or department policy change that the board believes is necessary to implement the department's program;

(4) Promote public awareness of the office of enterprise development and the office's employment program;

(5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program

concerns;	60957
(6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state;	60958 60959 60960
(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following:	60961 60962 60963
(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness;	60964 60965 60966
(b) Making suggestions on the appropriate priorities for the office's grant award criteria;	60967 60968
(c) Being a liaison between the office and constituents of the board's members;	60969 60970
(d) Working to develop constituent groups interested in employment program issues;	60971 60972
(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues.	60973 60974 60975
(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department.	60976 60977 60978 60979 60980 60981 60982 60983
Sec. 5149.38. (A) In each target county and in each voluntary county, subject to division (B) of this section and not later than thirty days after the effective date of this section <u>October 29,</u>	60984 60985 60986

2017, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does both of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year 2018 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program-;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum.

(B) Two or more ~~target counties or~~ voluntary counties may join together to jointly establish a memorandum of understanding of the type described in division (A) of this section. Not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner from each of the affiliating ~~target counties or~~ voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating ~~target county or~~ voluntary county, the sheriff of each affiliating ~~target county or~~ voluntary county, and an official from any municipality operating a local correctional facility in the affiliating ~~target counties and~~ voluntary counties to which courts

of the counties sentence offenders shall agree to, sign, and 61018
submit to the department of rehabilitation and correction for its 61019
approval the memorandum of understanding. The memorandum of 61020
understanding shall set forth the plans by which, and specify the 61021
manner in which, the affiliating counties will complete the tasks 61022
identified in divisions (A)(1) and (2) of this section. 61023

(C) The department of rehabilitation and correction shall 61024
adopt rules establishing standards for approval of memorandums of 61025
understanding submitted to it under division (A) or (B) of this 61026
section. The department shall review the memorandums of 61027
understanding submitted to it and may require the county or 61028
counties that submit a memorandum to modify the memorandum. The 61029
director of rehabilitation and correction shall approve 61030
memorandums of understanding submitted to it under division (A) or 61031
(B) of this section that the director determines satisfy the 61032
standards adopted by the department within thirty days after 61033
receiving each memorandum submitted. 61034

(D) Any person responsible for agreeing to, signing, and 61035
submitting a memorandum of understanding under division (A) or (B) 61036
of this section may delegate the person's authority to do so to an 61037
employee of the agency, entity, or office served by the person. 61038

(E) The persons signing a memorandum of understanding under 61039
division (A) or (B) of this section, or their successors in 61040
office, may revise the memorandum as they determine necessary. Any 61041
revision of the memorandum shall be signed by the parties 61042
specified in division (A) or (B) of this section and submitted to 61043
the department of rehabilitation and correction for its approval 61044
under division (C) of this section within thirty days after the 61045
beginning of the state fiscal year. 61046

(F)(1) In each county, ~~the sheriff shall determine the per~~ 61047
~~diem costs for local correctional facilities in the county for the~~ 61048
~~housing of prisoners who serve a term in the facility pursuant to~~ 61049

~~division (B)(3)(c) of section 2929.34 of the Revised Code, as follows:~~ 61050
61051

~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~ 61052
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~~(b) Commencing commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.~~ 61060
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 61068
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 61075
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(G) As used in this section: 61079

(1) "Local correctional facility" means a facility of a type 61080

described in division (C) or (D) of section 2929.34 of the Revised Code. 61081
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(2) ~~"Target county" and "voluntary~~ "Voluntary county" ~~have~~ has the same meanings as in section 2929.34 of the Revised Code. 61083
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Sec. 5162.01. (A) As used in the Revised Code: 61085

(1) "Medicaid" and "medicaid program" mean the program of 61086
medical assistance established by Title XIX of the "Social 61087
Security Act," 42 U.S.C. 1396 et seq., including any medical 61088
assistance provided under the medicaid state plan or a federal 61089
medicaid waiver granted by the United States secretary of health 61090
and human services. 61091

(2) "Medicare" and "medicare program" mean the federal health 61092
insurance program established by Title XVIII of the "Social 61093
Security Act," 42 U.S.C. 1395 et seq. 61094

(B) As used in this chapter: 61095

(1) ~~"Dual eligible individual" has the same meaning as in~~ 61096
~~section 5160.01 of the Revised Code.~~ 61097

~~(2)~~ "Exchange" has the same meaning as in 45 C.F.R. 155.20. 61098

~~(3)~~(2) "Federal financial participation" has the same meaning 61099
as in section 5160.01 of the Revised Code. 61100

~~(4)~~(3) "Federal poverty line" means the official poverty line 61101
defined by the United States office of management and budget based 61102
on the most recent data available from the United States bureau of 61103
the census and revised by the United States secretary of health 61104
and human services pursuant to the "Omnibus Budget Reconciliation 61105
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 61106

~~(5)~~(4) "Healthcheck" has the same meaning as in section 61107
5164.01 of the Revised Code. 61108

~~(6)~~(5) "Healthy start component" means the component of the 61109

medicaid program that covers pregnant women and children and is 61110
identified in rules adopted under section 5162.02 of the Revised 61111
Code as the healthy start component. 61112

~~(7)~~(6) "Home and community-based services" means services 61113
provided under a home and community-based services medicaid waiver 61114
component. 61115

~~(8)~~(7) "Home and community-based services medicaid waiver 61116
component" has the same meaning as in section 5166.01 of the 61117
Revised Code. 61118

~~(9)~~(8) "ICF/IID" has the same meaning as in section 5124.01 61119
of the Revised Code. 61120

~~(10)~~(9) "Individualized education program" has the same 61121
meaning as in section 3323.011 of the Revised Code. 61122

~~(11)~~(10) "Medicaid managed care organization" has the same 61123
meaning as in section 5167.01 of the Revised Code. 61124

~~(12)~~(11) "Medicaid provider" has the same meaning as in 61125
section 5164.01 of the Revised Code. 61126

~~(13)~~(12) "Medicaid services" has the same meaning as in 61127
section 5164.01 of the Revised Code. 61128

~~(14)~~(13) "Medicaid waiver component" has the same meaning as 61129
in section 5166.01 of the Revised Code; 61130

~~(15)~~(14) "Nursing facility" and "nursing facility services" 61131
have the same meanings as in section 5165.01 of the Revised Code. 61132

~~(16)~~(15) "Ordering or referring only provider" means a 61133
medicaid provider who orders, prescribes, refers, or certifies a 61134
service or item reported on a claim for medicaid payment but does 61135
not bill for medicaid services. 61136

~~(17)~~(16) "Political subdivision" means a municipal 61137
corporation, township, county, school district, or other body 61138
corporate and politic responsible for governmental activities only 61139

in a geographical area smaller than that of the state. 61140

~~(18)~~(17) "Prescribed drug" has the same meaning as in section 61141
5164.01 of the Revised Code. 61142

~~(19)~~(18) "Provider agreement" has the same meaning as in 61143
section 5164.01 of the Revised Code. 61144

~~(20)~~(19) "Qualified medicaid school provider" means the board 61145
of education of a city, local, or exempted village school 61146
district, the governing board of an educational service center, 61147
the governing authority of a community school established under 61148
Chapter 3314. of the Revised Code, the state school for the deaf, 61149
and the state school for the blind to which both of the following 61150
apply: 61151

(a) It holds a valid provider agreement. 61152

(b) It meets all other conditions for participation in the 61153
medicaid school component of the medicaid program established in 61154
rules authorized by section 5162.364 of the Revised Code. 61155

~~(21)~~(20) "State agency" means every organized body, office, 61156
or agency, other than the department of medicaid, established by 61157
the laws of the state for the exercise of any function of state 61158
government. 61159

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid 61160
payment to a medicaid provider to correct a previous, incorrect 61161
medicaid payment to that provider. 61162

Sec. 5162.12. (A) The medicaid director shall enter into a 61163
contract with one or more persons to receive and process, on the 61164
director's behalf, requests for medicaid recipient or claims 61165
payment data, data from reports of audits conducted under section 61166
5165.109 of the Revised Code, or extracts or analyses of any of 61167
the foregoing data made by persons who intend to use the items 61168
prepared pursuant to the requests for commercial or academic 61169

purposes. 61170

(B) At a minimum, a contract entered into under this section 61171
shall do both of the following: 61172

(1) Authorize the contracting person to engage in the 61173
activities described in division (A) of this section for 61174
compensation, which must be stated as a percentage of the fees 61175
paid by persons who are provided the items; 61176

(2) Require the contracting person to charge for an item 61177
prepared pursuant to a request a fee in an amount equal to one 61178
hundred two per cent of the cost the department of medicaid incurs 61179
in making the data used to prepare the item available to the 61180
contracting person. 61181

(C) Except as required by federal or state law and subject to 61182
division (E) of this section, both of the following conditions 61183
apply with respect to a request for data described in division (A) 61184
of this section: 61185

(1) The request shall be made through a person who has 61186
entered into a contract with the medicaid director under this 61187
section. 61188

(2) An item prepared pursuant to the request may be provided 61189
to the department of medicaid and is confidential and not subject 61190
to disclosure under section 149.43 or 1347.08 of the Revised Code. 61191

(D) The medicaid director shall use fees the director 61192
receives pursuant to a contract entered into under this section to 61193
pay obligations specified in contracts entered under this section. 61194
Any money remaining after the obligations are paid shall be 61195
deposited in the health care/medicaid support and recoveries fund 61196
created under section 5162.52 of the Revised Code. 61197

(E) This section does not apply to requests for medicaid 61198
recipient or claims payment data, data from reports of audits 61199

conducted under section 5165.109 of the Revised Code, or extracts 61200
or analyses of any of the foregoing data that are for any of the 61201
following purposes: 61202

(1) Treatment of medicaid recipients; 61203

(2) Payment of medicaid claims; 61204

(3) Establishment or management of medicaid third party 61205
liability pursuant to sections 5160.35 to 5160.43 of the Revised 61206
Code; 61207

(4) Compliance with the terms of an agreement the medicaid 61208
director enters into for purposes of administering the medicaid 61209
program; 61210

~~(5) Compliance with an operating protocol the executive 61211
director of the office of health transformation or the executive 61212
director's designee adopts under division (D) of section 191.06 of 61213
the Revised Code. 61214~~

Sec. 5162.364. The medicaid director shall adopt rules under 61215
section 5162.02 of the Revised Code as necessary to implement the 61216
medicaid school component of the medicaid program, including rules 61217
that establish or specify all of the following: 61218

(A) Conditions a board of education of a city, local, or 61219
exempted school district, a governing board of an educational 61220
service center, governing authority of a community school 61221
established under Chapter 3314. of the Revised Code, the state 61222
school for the deaf, and the state school for the blind must meet 61223
to participate in the component; 61224

(B) Services the component covers; 61225

(C) Payment rates for the services the component covers. 61226

The rules shall be adopted in accordance with Chapter 119. of 61227
the Revised Code. 61228

Sec. 5162.52. (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund:

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries;

(2) Federal reimbursement received for payment adjustments made pursuant to section 1923 of the "Social Security Act," ~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;

(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement;

(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by section 1927 of the "Social Security Act," ~~section 1927,~~ 42 U.S.C. 1396r-8;

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;

(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;

(8) The application fees charged to providers under section

5164.31 of the Revised Code;	61259
(9) The fines collected under section 5165.1010 of the Revised Code;	61260 61261
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	61262 61263 61264 61265
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid <u>all of the following:</u>	61266 61267 61268
(1) <u>Medicaid services and costs;</u>	61269
(2) <u>Costs</u> associated with the administration of the medicaid program;	61270 61271
(3) <u>Programs that serve youth involved with multiple government agencies;</u>	61272 61273
(4) <u>Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.</u>	61274 61275 61276
<u>Sec. 5162.72. The medicaid director shall implement within the medicaid program strategies that address social determinants of health, including housing, transportation, food, interpersonal safety, and toxic stress.</u>	61277 61278 61279 61280
Sec. 5164.01. As used in this chapter:	61281
(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	61282 61283
(B) "Behavioral health redesign" means proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and	61284 61285 61286

~~addiction services to make~~ revisions to the medicaid program's 61287
coverage of community behavioral health services beginning July 1, 61288
2017, including revisions that update medicaid billing codes and 61289
payment rates for community behavioral health services. 61290

(C) "Clean claim" has the same meaning as in 42 C.F.R. 61291
447.45(b). 61292

(D) "Community behavioral health services" means both of the 61293
following: 61294

(1) Alcohol and drug addiction services provided by a 61295
community addiction services provider, as defined in section 61296
5119.01 of the Revised Code; 61297

(2) Mental health services provided by a community mental 61298
health services provider, as defined in section 5119.01 of the 61299
Revised Code. 61300

(E) "Early and periodic screening, diagnostic, and treatment 61301
services" has the same meaning as in the "Social Security Act," 61302
section 1905(r), 42 U.S.C. 1396d(r). 61303

(F) "Federal financial participation" has the same meaning as 61304
in section 5160.01 of the Revised Code. 61305

(G) "Federal poverty line" has the same meaning as in section 61306
5162.01 of the Revised Code. 61307

(H) "Healthcheck" means the component of the medicaid program 61308
that provides early and periodic screening, diagnostic, and 61309
treatment services. 61310

(I) "Home and community-based services medicaid waiver 61311
component" has the same meaning as in section 5166.01 of the 61312
Revised Code. 61313

(J) "Hospital" has the same meaning as in section 3727.01 of 61314
the Revised Code. 61315

(K) "ICDS participant" means a dual eligible individual who 61316

participates in the integrated care delivery system. 61317

(L) "ICF/IID" has the same meaning as in section 5124.01 of 61318
the Revised Code. 61319

(M) "Integrated care delivery system" and "ICDS" mean the 61320
demonstration project authorized by section 5164.91 of the Revised 61321
Code. 61322

(N) "Mandatory services" means the health care services and 61323
items that must be covered by the medicaid state plan as a 61324
condition of the state receiving federal financial participation 61325
for the medicaid program. 61326

(O) "Medicaid managed care organization" has the same meaning 61327
as in section 5167.01 of the Revised Code. 61328

(P) "Medicaid provider" means a person or government entity 61329
with a valid provider agreement to provide medicaid services to 61330
medicaid recipients. To the extent appropriate in the context, 61331
"medicaid provider" includes a person or government entity 61332
applying for a provider agreement, a former medicaid provider, or 61333
both. 61334

(Q) "Medicaid services" means either or both of the 61335
following: 61336

(1) Mandatory services; 61337

(2) Optional services that the medicaid program covers. 61338

(R) "Nursing facility" has the same meaning as in section 61339
5165.01 of the Revised Code. 61340

(S) "Optional services" means the health care services and 61341
items that may be covered by the medicaid state plan or a federal 61342
medicaid waiver and for which the medicaid program receives 61343
federal financial participation. 61344

(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 61345
440.120. 61346

(U) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

(V) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

(W) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a

full-time, part-time, or temporary position that involves 61376
providing home and community-based services. 61377

"Waiver agency" means a person or government entity that 61378
provides home and community-based services under a home and 61379
community-based services medicaid waiver component administered by 61380
the department of medicaid, other than such a person or government 61381
entity that is certified under the medicare program. "Waiver 61382
agency" does not mean an independent provider as defined in 61383
section 5164.341 of the Revised Code. 61384

(B) This section does not apply to any individual who is 61385
subject to a database review or criminal records check under 61386
section 3701.881 of the Revised Code. If a waiver agency also is a 61387
community-based long-term care provider or community-based 61388
long-term care subcontractor, the waiver agency may provide for 61389
any of its applicants and employees who are not subject to 61390
database reviews and criminal records checks under section 173.38 61391
of the Revised Code to undergo database reviews and criminal 61392
records checks in accordance with that section ~~173.38 of the~~ 61393
~~Revised Code~~ rather than this section. 61394

(C) No waiver agency shall employ an applicant or continue to 61395
employ an employee in a position that involves providing home and 61396
community-based services if any of the following apply: 61397

(1) A review of the databases listed in division (E) of this 61398
section reveals any of the following: 61399

(a) That the applicant or employee is included in one or more 61400
of the databases listed in divisions (E)(1) to (5) of this 61401
section; 61402

(b) That there is in the state nurse aide registry 61403
established under section 3721.32 of the Revised Code a statement 61404
detailing findings by the director of health that the applicant or 61405
employee abused, neglected, or exploited a long-term care facility 61406

or residential care facility resident or misappropriated property 61407
of such a resident; 61408

(c) That the applicant or employee is included in one or more 61409
of the databases, if any, specified in rules authorized by this 61410
section and the rules prohibit the waiver agency from employing an 61411
applicant or continuing to employ an employee included in such a 61412
database in a position that involves providing home and 61413
community-based services. 61414

(2) After the applicant or employee is given the information 61415
and notification required by divisions (F)(2)(a) and (b) of this 61416
section, the applicant or employee fails to do either of the 61417
following: 61418

(a) Access, complete, or forward to the superintendent of the 61419
bureau of criminal identification and investigation the form 61420
prescribed to division (C)(1) of section 109.572 of the Revised 61421
Code or the standard impression sheet prescribed pursuant to 61422
division (C)(2) of that section; 61423

(b) Instruct the superintendent to submit the completed 61424
report of the criminal records check required by this section 61425
directly to the chief administrator of the waiver agency. 61426

(3) Except as provided in rules authorized by this section, 61427
the applicant or employee is found by a criminal records check 61428
required by this section to have been convicted of or have pleaded 61429
guilty to a disqualifying offense, regardless of the date of the 61430
conviction or date of entry of the guilty plea. 61431

(D) At the time of each applicant's initial application for 61432
employment in a position that involves providing home and 61433
community-based services, the chief administrator of a waiver 61434
agency shall inform the applicant of both of the following: 61435

(1) That a review of the databases listed in division (E) of 61436
this section will be conducted to determine whether the waiver 61437

agency is prohibited by division (C)(1) of this section from 61438
employing the applicant in the position; 61439

(2) That, unless the database review reveals that the 61440
applicant may not be employed in the position, a criminal records 61441
check of the applicant will be conducted and the applicant is 61442
required to provide a set of the applicant's fingerprint 61443
impressions as part of the criminal records check. 61444

(E) As a condition of employing any applicant in a position 61445
that involves providing home and community-based services, the 61446
chief administrator of a waiver agency shall conduct a database 61447
review of the applicant in accordance with rules authorized by 61448
this section. If rules authorized by this section so require, the 61449
chief administrator of a waiver agency shall conduct a database 61450
review of an employee in accordance with the rules as a condition 61451
of continuing to employ the employee in a position that involves 61452
providing home and community-based services. A database review 61453
shall determine whether the applicant or employee is included in 61454
any of the following: 61455

(1) The excluded parties list system that is maintained by 61456
the United States general services administration pursuant to 61457
subpart 9.4 of the federal acquisition regulation and available at 61458
the federal web site known as the system for award management; 61459

(2) The list of excluded individuals and entities maintained 61460
by the office of inspector general in the United States department 61461
of health and human services pursuant to the "Social Security 61462
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 61463

(3) The registry of developmental disabilities employees 61464
established under section 5123.52 of the Revised Code; 61465

(4) The internet-based sex offender and child-victim offender 61466
database established under division (A)(11) of section 2950.13 of 61467
the Revised Code; 61468

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 61469
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 61471
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(7) Any other database, if any, specified in rules authorized by this section. 61473
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(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records 61475
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check. Even if an applicant or employee for whom a criminal
records check request is required by this section presents proof
of having been a resident of this state for the five-year period,
the chief administrator may require the applicant or employee to
request that the superintendent include information from the
federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to
each applicant and employee for whom a criminal records check is
required by this section:

(a) Information about accessing, completing, and forwarding
to the superintendent of the bureau of criminal identification and
investigation the form prescribed pursuant to division (C)(1) of
section 109.572 of the Revised Code and the standard impression
sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to
instruct the superintendent to submit the completed report of the
criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal
identification and investigation the fee prescribed pursuant to
division (C)(3) of section 109.572 of the Revised Code for any
criminal records check required by this section. However, a waiver
agency may require an applicant to pay to the bureau the fee for a
criminal records check of the applicant. If the waiver agency pays
the fee for an applicant, it may charge the applicant a fee not
exceeding the amount the waiver agency pays to the bureau under
this section if the waiver agency notifies the applicant at the
time of initial application for employment of the amount of the
fee and that, unless the fee is paid, the applicant will not be
considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant
for whom a criminal records check is required by this section

prior to obtaining the results of the criminal records check if 61532
both of the following apply: 61533

(a) The waiver agency is not prohibited by division (C)(1) of 61534
this section from employing the applicant in a position that 61535
involves providing home and community-based services. 61536

(b) The chief administrator of the waiver agency requires the 61537
applicant to request a criminal records check regarding the 61538
applicant in accordance with division (F)(1) of this section not 61539
later than five business days after the applicant begins 61540
conditional employment. 61541

(2) A waiver agency that employs an applicant conditionally 61542
under division (G)(1) of this section shall terminate the 61543
applicant's employment if the results of the criminal records 61544
check, other than the results of any request for information from 61545
the federal bureau of investigation, are not obtained within the 61546
period ending sixty days after the date the request for the 61547
criminal records check is made. Regardless of when the results of 61548
the criminal records check are obtained, if the results indicate 61549
that the applicant has been convicted of or has pleaded guilty to 61550
a disqualifying offense, the waiver agency shall terminate the 61551
applicant's employment unless circumstances specified in rules 61552
authorized by this section exist that permit the waiver agency to 61553
employ the applicant and the waiver agency chooses to employ the 61554
applicant. 61555

(H) The report of any criminal records check conducted 61556
pursuant to a request made under this section is not a public 61557
record for the purposes of section 149.43 of the Revised Code and 61558
shall not be made available to any person other than the 61559
following: 61560

(1) The applicant or employee who is the subject of the 61561
criminal records check or the representative of the applicant or 61562

employee;	61563
(2) The chief administrator of the waiver agency that	61564
requires the applicant or employee to request the criminal records	61565
check or the administrator's representative;	61566
(3) The medicaid director and the staff of the department who	61567
are involved in the administration of the medicaid program;	61568
(4) The director of aging or the director's designee if the	61569
waiver agency also is a community-based long-term care provider or	61570
community-based long-term care subcontractor;	61571
(5) An individual receiving or deciding whether to receive	61572
home and community-based services from the subject of the criminal	61573
records check;	61574
(6) A court, hearing officer, or other necessary individual	61575
involved in a case dealing with any of the following:	61576
(a) A denial of employment of the applicant or employee;	61577
(b) Employment or unemployment benefits of the applicant or	61578
employee;	61579
(c) A civil or criminal action regarding the medicaid	61580
program.	61581
(I) The medicaid director shall adopt rules under section	61582
5164.02 of the Revised Code to implement this section.	61583
(1) The rules may do the following:	61584
(a) Require employees to undergo database reviews and	61585
criminal records checks under this section;	61586
(b) If the rules require employees to undergo database	61587
reviews and criminal records checks under this section, exempt one	61588
or more classes of employees from the requirements;	61589
(c) For the purpose of division (E)(7) of this section,	61590
specify other databases that are to be checked as part of a	61591

database review conducted under this section. 61592

(2) The rules shall specify all of the following: 61593

(a) The procedures for conducting a database review under 61594
this section; 61595

(b) If the rules require employees to undergo database 61596
reviews and criminal records checks under this section, the times 61597
at which the database reviews and criminal records checks are to 61598
be conducted; 61599

(c) If the rules specify other databases to be checked as 61600
part of a database review, the circumstances under which a waiver 61601
agency is prohibited from employing an applicant or continuing to 61602
employ an employee who is found by the database review to be 61603
included in one or more of those databases; 61604

(d) The circumstances under which a waiver agency may employ 61605
an applicant or employee who is found by a criminal records check 61606
required by this section to have been convicted of or have pleaded 61607
guilty to a disqualifying offense. 61608

(J) The amendments made by H.B. 487 of the 129th general 61609
assembly to this section do not preclude the department of 61610
medicaid from taking action against a person for failure to comply 61611
with former division (H) of this section as that division existed 61612
on the day preceding January 1, 2013. 61613

Sec. 5164.36. (A) As used in this section: 61614

(1) "Credible allegation of fraud" has the same meaning as in 61615
42 C.F.R. 455.2, except that for purposes of this section any 61616
reference in that regulation to the "state" or the "state medicaid 61617
agency" means the department of medicaid. 61618

(2) "Disqualifying indictment" means an indictment of a 61619
medicaid provider or its officer, authorized agent, associate, 61620
manager, employee, or, if the provider is a noninstitutional 61621

provider, its owner, if either of the following applies: 61622

(a) The indictment charges the person with committing an act to which both of the following apply: 61623
61624

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred. 61625
61626

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program. 61627
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(b) If the medicaid provider is an independent provider, the indictment charges the person with committing an act that would constitute a disqualifying offense. 61632
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(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 61635
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(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code. 61638
61639

(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID. 61640
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61642

(6) "Owner" has the same meaning as in section 5164.37 of the Revised Code means any person having at least five per cent ownership in a noninstitutional medicaid provider. 61643
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61645

(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, ~~on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider,~~ the department of medicaid shall suspend the provider agreement held by ~~the~~ a medicaid provider on determining either of the following: 61646
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(a) There is a credible allegation of fraud against any of 61652
the following for which an investigation is pending under the 61653
medicaid program: 61654

(i) The medicaid provider; 61655

(ii) The medicaid provider's owner, officer, authorized 61656
agent, associate, manager, or employee. 61657

(b) A disqualifying indictment has been issued against any of 61658
the following: 61659

(i) The medicaid provider; 61660

(ii) The medicaid provider's officer, authorized agent, 61661
associate, manager, or employee; 61662

(iii) If the medicaid provider is a noninstitutional 61663
provider, its owner. Subject 61664

(2) Subject to division (C) of this section, the department 61665
shall also ~~terminate~~ suspend all medicaid payments to ~~the a~~ 61666
medicaid provider for services rendered, regardless of the date 61667
that the services are rendered, when the department suspends the 61668
provider's provider agreement under this section. 61669

~~(2)(a)~~(3) The suspension of a provider agreement shall 61670
continue in effect until either of the following ~~is the case~~ 61671
occurs: 61672

~~(i) The~~ (a) If the suspension is the result of a credible 61673
allegation of fraud, the department or a prosecuting authority 61674
determines that there is insufficient evidence of fraud by the 61675
medicaid provider; 61676

~~(ii) The~~ (b) Regardless of whether the suspension is the 61677
result of a credible allegation of fraud or a disqualifying 61678
indictment, the proceedings in any related criminal case are 61679
completed through dismissal of the indictment or through 61680
conviction, entry of a guilty plea, or finding of not guilty- 61681

~~(b) If or, if~~ the department commences a process to terminate 61682
the suspended provider agreement, ~~the suspension shall also~~ 61683
~~continue in effect until~~ the termination process is concluded. 61684

~~(3)(4)(a)~~ When ~~subject to a suspension provider agreement is~~ 61685
~~suspended~~ under this section, ~~a medicaid provider, owner, officer,~~ 61686
~~authorized agent, associate, manager, or employee shall not own~~ 61687
~~none of the following shall take, during the period of the~~ 61688
~~suspension, any of the actions specified in division (B)(4)(b) of~~ 61689
~~this section:~~ 61690

(i) The medicaid provider; 61691

(ii) If the suspension is the result of an action taken by an 61692
officer, authorized agent, associate, manager, or employee of the 61693
medicaid provider, that person; 61694

(iii) If the medicaid provider is a noninstitutional provider 61695
and the suspension is the result of an action taken by the owner 61696
of the provider, the owner. 61697

(b) The following are the actions that persons specified in 61698
division (B)(4)(a) of this section cannot take during the 61699
suspension of a provider agreement: 61700

(i) Own services provided, or provide services, to any other 61701
medicaid provider or risk contractor ~~or arrange;~~ 61702

(ii) Arrange for, render to, or order services to any other 61703
medicaid provider or risk contractor ~~or arrange;~~ 61704

(iii) Arrange for, render to, or order services for medicaid 61705
recipients ~~during the period of suspension. During the period of~~ 61706
~~suspension, the provider, owner, officer, authorized agent,~~ 61707
~~associate, manager, or employee shall not receive;~~ 61708

(iv) Receive direct payments under the medicaid program or 61709
indirect payments of medicaid funds in the form of salary, shared 61710
fees, contracts, kickbacks, or rebates from or through any other 61711

medicaid provider or risk contractor. 61712

(C) The department shall not suspend a provider agreement or 61713
~~terminate~~ medicaid payments under division (B) of this section if 61714
the medicaid provider or, if the provider is a noninstitutional 61715
provider, the owner can demonstrate through the submission of 61716
written evidence that the provider or owner did not directly or 61717
indirectly sanction the action of its authorized agent, associate, 61718
manager, or employee that resulted in the credible allegation of 61719
fraud or disqualifying indictment. 61720

~~(D) The termination of medicaid payment under division (B) of~~ 61721
~~this section applies only to payments for medicaid services~~ 61722
~~rendered subsequent to the date on which the notice required by~~ 61723
~~division (E) of this section is sent. Claims for payment of~~ 61724
~~medicaid services rendered by the medicaid provider prior to the~~ 61725
~~issuance of the notice may be subject to prepayment review~~ 61726
~~procedures whereby the department reviews claims to determine~~ 61727
~~whether they are supported by sufficient documentation, are in~~ 61728
~~compliance with state and federal statutes and rules, and are~~ 61729
~~otherwise complete.~~ 61730

~~(E)~~ After suspending a provider agreement under division (B) 61731
of this section, the department shall, ~~as specified in 42 C.F.R.~~ 61732
~~455.23(b),~~ send notice of the suspension to the affected medicaid 61733
provider or, if the provider is a noninstitutional provider, the 61734
owner in accordance with the following ~~timeframes~~ time frames: 61735

(1) Not later than five days after the suspension, unless a 61736
law enforcement agency makes a written request to temporarily 61737
delay the notice; 61738

(2) If a law enforcement agency makes a written request to 61739
temporarily delay the notice, not later than thirty days after the 61740
suspension occurs subject to the conditions specified in division 61741
~~(F)~~(E) of this section. 61742

~~(F)~~(E) A written request for a temporary delay described in 61743
division ~~(E)~~(D)(2) of this section may be renewed in writing by a 61744
law enforcement agency not more than two times except that under 61745
no circumstances shall the notice be issued more than ninety days 61746
after the suspension occurs. 61747

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 61748
shall do all of the following: 61749

(1) State that payments are being suspended in accordance 61750
with this section and 42 C.F.R. 455.23; 61751

(2) Set forth the general allegations related to the nature 61752
of the conduct leading to the suspension, except that it is not 61753
necessary to disclose any specific information concerning an 61754
ongoing investigation; 61755

(3) State that the suspension continues to be in effect until 61756
either of the ~~following is the case:~~ 61757

~~(a) The department or a prosecuting authority determines that 61758
there is insufficient evidence of fraud by the provider;~~ 61759

~~(b) The proceedings in any related criminal case are 61760
completed through dismissal of the indictment or through 61761
conviction, entry of a guilty plea, or finding of not guilty and, 61762
if the department commences a process to terminate the suspended 61763
provider agreement, until the termination process is concluded. 61764
circumstances specified in division (B)(3) of this section occur; 61765~~

(4) Specify, if applicable, the type or types of medicaid 61766
claims or business units of the medicaid provider that are 61767
affected by the suspension; 61768

(5) Inform the medicaid provider or owner of the opportunity 61769
to submit to the department, not later than thirty days after 61770
receiving the notice, a request for reconsideration of the 61771
suspension in accordance with division ~~(H)~~(G) of this section. 61772

~~(H)~~(G)(1) Pursuant to the procedure specified in division 61773
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 61774
a suspension under this section or, if the provider is a 61775
noninstitutional provider, the owner may request a reconsideration 61776
of the suspension. The request shall be made not later than thirty 61777
days after receipt of a notice required by division ~~(E)~~(D) of this 61778
section. The reconsideration is not subject to an adjudication 61779
hearing pursuant to Chapter 119. of the Revised Code. 61780

(2) In requesting a reconsideration, the medicaid provider or 61781
owner shall submit written information and documents to the 61782
department. The information and documents may pertain to any of 61783
the following issues: 61784

(a) Whether the determination to suspend the provider 61785
agreement was based on a mistake of fact, other than the validity 61786
of an indictment in a related criminal case. 61787

(b) If there has been an indictment in a related criminal 61788
case, whether ~~any offense charged in~~ the indictment ~~resulted from~~ 61789
~~an offense specified in division (E) of section 5164.37 of the~~ 61790
~~Revised Code~~ is a disqualifying indictment. 61791

(c) Whether the provider or owner can demonstrate that the 61792
provider or owner did not directly or indirectly sanction the 61793
action of its authorized agent, associate, manager, or employee 61794
that resulted in the suspension under this section or an 61795
indictment in a related criminal case. 61796

~~(I)~~(H) The department shall review the information and 61797
documents submitted in a request made under division ~~(H)~~(G) of 61798
this section for reconsideration of a suspension. After the 61799
review, the suspension may be affirmed, reversed, or modified, in 61800
whole or in part. The department shall notify the affected 61801
provider or owner of the results of the review. The review and 61802
notification of its results shall be completed not later than 61803

forty-five days after receiving the information and documents 61804
submitted in a request for reconsideration. 61805

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 61806
Code may specify circumstances under which the department would 61807
not suspend a provider agreement pursuant to this section. 61808

Sec. 5164.37. (A) The department of medicaid may suspend a 61809
medicaid provider's provider agreement without prior notice if the 61810
department has evidence that the provider presents a danger of 61811
immediate and serious harm to the health, safety, or welfare of 61812
medicaid recipients. The department also shall suspend all 61813
medicaid payments to the medicaid provider for services rendered, 61814
regardless of the date that the services were rendered, when the 61815
department suspends the provider agreement under this section. 61816

(B) If the department suspends a medicaid provider's provider 61817
agreement under this section, the department shall do both of the 61818
following: 61819

(1) Not later than five days after suspending the provider 61820
agreement, notify the medicaid provider of the suspension; 61821

(2) Not later than ten business days after suspending the 61822
provider agreement, notify the medicaid provider that the 61823
department intends to terminate the provider agreement. 61824

(C) The notice that the department provides to a medicaid 61825
provider under division (B)(2) of this section shall include the 61826
allegation that the provider presents a danger of immediate and 61827
serious harm to the health, safety, or welfare of medicaid 61828
recipients. It may also include other grounds for terminating the 61829
provider agreement. Section 5164.38 of the Revised Code applies to 61830
the termination of the provider agreement. 61831

(D) The suspension of a medicaid provider's provider 61832
agreement and medicaid payments shall cease at the earliest of the 61833

following: 61834

(1) The department's failure to provide a notice required by 61835
division (B) of this section by the time specified in that 61836
division; 61837

(2) The department rescinds its notice to terminate the 61838
provider agreement. 61839

(3) The department issues an order regarding the termination 61840
of the provider agreement pursuant to an adjudication conducted in 61841
accordance with Chapter 119. of the Revised Code. 61842

(E) This section does not limit the department's authority to 61843
suspend or terminate a provider agreement or medicaid payments to 61844
a medicaid provider under any other provision of the Revised Code. 61845

Sec. 5164.7510. (A) There is hereby established the pharmacy 61846
and therapeutics committee of the department of medicaid. The 61847
committee shall assist the department with developing and 61848
maintaining a preferred drug list for the medicaid program. 61849

The committee shall review and recommend to the medicaid 61850
director the drugs that should be included on the preferred drug 61851
list. The recommendations shall be made based on the evaluation of 61852
competent evidence regarding the relative safety, efficacy, and 61853
effectiveness of prescribed drugs within a class or classes of 61854
prescribed drugs. 61855

(B) The committee shall consist of ten members and shall be 61856
appointed by the medicaid director. The director shall seek 61857
recommendations for membership from relevant professional 61858
organizations. A candidate for membership recommended by a 61859
professional organization shall have professional experience 61860
working with medicaid recipients. 61861

The membership of the committee shall include: 61862

(1) Three pharmacists licensed under Chapter 4729. of the 61863

Revised Code; 61864

(2) Two doctors of medicine and two doctors of osteopathy who hold ~~certificates to practice~~ licenses issued under Chapter 4731. of the Revised Code, one of whom is a family practice physician; 61865
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(3) A registered nurse licensed under Chapter 4723. of the Revised Code; 61868
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(4) A pharmacologist who has a doctoral degree; 61870

(5) A psychiatrist who holds a ~~certificate~~ license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code and specializes in psychiatry. 61871
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(C) The committee shall elect from among its members a chairperson. Five committee members constitute a quorum. 61875
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The committee shall establish guidelines necessary for the committee's operation. 61877
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The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals. 61879
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A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome. 61884
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(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner. 61887
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(E) An interested party may request, and shall be permitted, 61894
to make a presentation or submit written materials to the 61895
committee during a committee meeting. The presentation or other 61896
materials shall be relevant to an issue under consideration by the 61897
committee and any written material, including a transcript of 61898
testimony to be given on the day of the meeting, may be submitted 61899
to the committee in advance of the meeting. 61900

(F) The department shall post the following on the 61901
department's web site: 61902

(1) Guidelines established by the committee under division 61903
(C) of this section; 61904

(2) A detailed committee agenda not later than fourteen days 61905
prior to the date of a regularly scheduled meeting and not later 61906
than seventy-two hours prior to the date of a special meeting 61907
called by the committee; 61908

(3) Committee recommendations not later than seven days after 61909
the meeting at which the recommendation was approved; 61910

(4) The director's final determination as to the 61911
recommendations made by the committee under this section. 61912

Sec. 5164.91. (A) The medicaid director may implement a 61913
demonstration project called the integrated care delivery system 61914
to test and evaluate the integration of the care that dual 61915
eligible individuals receive under medicare and medicaid. No 61916
provision of Title LI of the Revised Code applies to the 61917
integrated care delivery system if that provision implements or 61918
incorporates a provision of federal law governing medicaid and 61919
that provision of federal law does not apply to the system. 61920

(B) The director shall require the use of a standardized 61921
claim form for each provider type to be used by a medical provider 61922
that renders a medically necessary health care service under the 61923

integrated care delivery system. The required claim form shall be 61924
selected from among universally accepted claim forms used in the 61925
United States. 61926

(C) Except as otherwise provided in divisions (C)(1) to (3) 61927
of this section, the director shall require the integrated care 61928
delivery system to use the same medical claim codes used under the 61929
fee-for-service component of medicaid. 61930

(1) The integrated care delivery system may use other claim 61931
codes to assist in collecting information that is reported to the 61932
healthcare effectiveness data and information set (HEDIS) 61933
maintained by the national committee for quality assurance. 61934

(2) The director may require the integrated care delivery 61935
system to use different claim codes for program integrity 61936
standards. 61937

(3) The integrated care delivery system may use different 61938
claim codes if those codes are agreed to in a contract between the 61939
department or its designee and the medical provider. 61940

Sec. 5165.15. Except as otherwise provided by sections 61941
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 61942
per medicaid day payment rate that the department of medicaid 61943
shall pay a nursing facility provider for nursing facility 61944
services the provider's nursing facility provides during a state 61945
fiscal year shall be determined as follows: 61946

(A) Determine the sum of all of the following: 61947

(1) The per medicaid day payment rate for ancillary and 61948
support costs determined for the nursing facility under section 61949
5165.16 of the Revised Code; 61950

(2) The per medicaid day payment rate for capital costs 61951
determined for the nursing facility under section 5165.17 of the 61952
Revised Code; 61953

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;	61954 61955 61956
(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;	61957 61958 61959
(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.	61960 61961 61962
(B) To the sum determined under division (A) of this section, add the following :	61963 61964
(1) For state fiscal years 2018 and 2019, sixteen dollars and forty-four cents;	61965 61966
(2) For state fiscal year 2020 and, except as provided in division (B)(3) of this section, each state fiscal year thereafter, the sum of the following:	61967 61968 61969
(a) The amount specified or determined for the purpose of division (B) of this section for the immediately preceding state fiscal year;	61970 61971 61972
(b) The difference between the following:	61973
(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the determination is being made under division (B) of this section;	61974 61975 61976 61977 61978
(ii) The budget reduction adjustment factor for the state fiscal year for which the determination is being made under division (B) of this section.	61979 61980 61981
(3) For the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted after state	61982 61983

~~fiscal year 2020, the amount specified or determined for the~~ 61984
~~purpose of division (B) of this section for the immediately~~ 61985
~~preceding state fiscal year .~~ 61986

(C) From the sum determined under division (B) of this 61987
section, subtract one dollar and seventy-nine cents. 61988

(D) To the difference determined under division (C) of this 61989
section, add the per medicaid day quality payment rate determined 61990
for the nursing facility under section 5165.25 of the Revised 61991
Code. 61992

(E) To the sum determined under division (D) of this section, 61993
add, for the second half of state fiscal year 2020 and all of each 61994
state fiscal year thereafter, the per medicaid day quality 61995
incentive payment rate determined for the nursing facility under 61996
section 5165.26 of the Revised Code. 61997

Sec. 5165.152. The total per medicaid day payment rate 61998
determined under section 5165.15 of the Revised Code shall not be 61999
paid for nursing facility services provided to low resource 62000
utilization residents. Instead, the total rate for such nursing 62001
facility services shall be ~~the following:~~ 62002

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 62003
~~department of medicaid is satisfied that the nursing facility's~~ 62004
~~provider is cooperating with the long term care ombudsman program~~ 62005
~~in efforts to help the nursing facility's low resource utilization~~ 62006
~~residents receive the services that are most appropriate for such~~ 62007
~~residents' level of care needs;~~ 62008

~~(B) Ninety one dollars and seventy cents per medicaid day if~~ 62009
~~division (A) of this section does not apply to the nursing~~ 62010
~~facility.~~ 62011

Sec. 5165.21. The department of medicaid shall determine each 62012
nursing facility's per medicaid day payment rate for tax costs. 62013

The rate for tax costs determined under this division for a 62014
nursing facility shall be used for subsequent years until the 62015
department conducts a rebasing. To determine a nursing facility's 62016
rate for tax costs, the department shall ~~do both of the following:~~ 62017

~~(A) Divide divide the nursing facility's desk-reviewed, 62018
actual, allowable tax costs paid for the applicable calendar year 62019
by the number of inpatient days the nursing facility would have 62020
had if its occupancy rate had been one hundred per cent during the 62021
applicable calendar year.~~ 62022

~~(B) For state fiscal year 2020 and each state fiscal year 62023
thereafter (other than the first state fiscal year in a group of 62024
consecutive state fiscal years for which a rebasing is conducted), 62025
adjust the amount calculated under division (A) of this section 62026
using the difference between the following:~~ 62027

~~(1) The medicare skilled nursing facility market basket index 62028
determined for the federal fiscal year that begins during the 62029
state fiscal year immediately preceding the state fiscal year for 62030
which the adjustment is being made under division (B) of this 62031
section.~~ 62032

~~(2) The budget reduction adjustment factor for the state 62033
fiscal year for which the adjustment is being made under division 62034
(B) of this section.~~ 62035

Sec. 5165.25. (A) As used in this section: 62036

(1) "Long-stay resident" means an individual who has resided 62037
in a nursing facility for at least one hundred one days. 62038

(2) "Measurement period" means the ~~following:~~ 62039

~~(a) For state fiscal year 2017, the period beginning July 1, 62040
2015, and ending December 31, 2015;~~ 62041

~~(b) For each subsequent state fiscal year, the calendar year 62042~~

immediately preceding the calendar year in which ~~the~~ a state
fiscal year begins. 62043
62044

(3) "Nurse aide" has the same meaning as in section 3721.21
of the Revised Code. 62045
62046

(4) "Short-stay resident" means a nursing facility resident
who is not a long-stay resident. 62047
62048

(B)(1) Using all of the funds made available for a state
fiscal year by the rate reductions under division (C) of section
5165.15 of the Revised Code, the department of medicaid shall
determine a per medicaid day quality payment rate to be paid for
that state fiscal year to each nursing facility that meets at
least one of the quality indicators specified in division (B)(2)
of this section ~~for the measurement period~~. The largest quality
payment rate for a state fiscal year shall be paid to nursing
facilities that meet all of the quality indicators ~~for the
measurement period~~. 62049
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(2) The following are the quality indicators to be used for
the purpose of division (B)(1) of this section: 62059
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(a) Not more than the target percentage of the nursing
facility's short-stay residents had new or worsened pressure
ulcers for the measurement period. 62061
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62063

(b) Not more than the target percentage of long-stay
residents at high risk for pressure ulcers had pressure ulcers for
the measurement period. 62064
62065
62066

(c) Not more than the target percentage of the nursing
facility's short-stay residents newly received an antipsychotic
medication for the measurement period. 62067
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62069

(d) Not more than the target percentage of the nursing
facility's long-stay residents received an antipsychotic
medication for the measurement period. 62070
62071
62072

(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss for the measurement period. 62073
62074
62075

(f) The nursing facility's employee retention rate is at least the target rate for the measurement period. 62076
62077

(g) The nursing facility ~~utilized the nursing home version of the preferences for everyday living inventory for all of its residents~~ obtained at least the target score on the following: 62078
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62080

(i) For an even-numbered state fiscal year, the department of aging's most recently published resident satisfaction survey conducted pursuant to section 173.47 of the Revised Code; 62081
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62083

(ii) For an odd-numbered state fiscal year, the department of aging's most recently published family satisfaction survey conducted pursuant to section 173.47 of the Revised Code. 62084
62085
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(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The department also shall specify the target rate for the purpose of division (B)(2)(f) of this section and the target score for the purpose of division (B)(2)(g) of this section. In ~~determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(e) and (d) of this section, the department shall exclude from consideration the following:~~ 62087
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~~(a) In the case of the quality indicator specified in division (B)(2)(e) of this section, all of the nursing facility's short stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~ 62097
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~~(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long stay residents who received antipsychotic medication in~~ 62101
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~~conjunction with hospice care.~~ 62104

(C) If a nursing facility undergoes a change of operator 62105
during a state fiscal year, the per medicaid day quality payment 62106
rate to be paid to the entering operator for nursing facility 62107
services that the nursing facility provides during the period 62108
beginning on the effective date of the change of operator and 62109
ending on the last day of the state fiscal year shall be the same 62110
amount as the per medicaid day quality payment rate that was in 62111
effect on the day immediately preceding the effective date of the 62112
change of operator and paid to the nursing facility's exiting 62113
operator. For the immediately following state fiscal year, the per 62114
medicaid day quality payment rate shall be ~~the following:~~ 62115

~~(1) If the effective date of the change of operator is on or 62116
before the first day of October of the calendar year immediately 62117
preceding the state fiscal year, the amount determined for the 62118
nursing facility in accordance with division (B) of this section 62119
for the state fiscal year;~~ 62120

~~(2) If the effective date of the change of operator is after 62121
the first day of October of the calendar year immediately 62122
preceding the state fiscal year, the mean per medicaid day quality 62123
payment rate for all nursing facilities for the state fiscal year. 62124~~

Sec. 5165.26. (A) As used in this section: 62125

(1) "Base rate" means the portion of a nursing facility's 62126
total per medicaid day payment rate determined under divisions (A) 62127
and (B) of section 5165.15 of the Revised Code. 62128

(2) "CMS" means the United States centers for medicare and 62129
medicaid services. 62130

(3) "Long-stay resident" and "measurement period" have the 62131
same meanings as in section 5165.25 of the Revised Code. 62132

(B) For the second half of state fiscal year 2020 and all of 62133

<u>each state fiscal year thereafter, and subject to divisions (D)</u>	62134
<u>and (E) of this section, the department of medicaid shall</u>	62135
<u>determine each nursing facility's per medicaid day quality</u>	62136
<u>incentive payment rate as follows:</u>	62137
<u>(1) Determine the sum of the quality scores determined under</u>	62138
<u>division (C) of this section for all nursing facilities.</u>	62139
<u>(2) Determine the average quality score by dividing the sum</u>	62140
<u>determined under division (B)(1) of this section by the number of</u>	62141
<u>nursing facilities for which a quality score was determined.</u>	62142
<u>(3) Determine the following:</u>	62143
<u>(a) For the second half of state fiscal year 2020, the sum of</u>	62144
<u>the total number of medicaid days for the second half of calendar</u>	62145
<u>year 2018 for all nursing facilities for which a quality score was</u>	62146
<u>determined;</u>	62147
<u>(b) For all of state fiscal year 2021 and each state fiscal</u>	62148
<u>year thereafter, the sum of the total number of medicaid days for</u>	62149
<u>the measurement period applicable to the state fiscal year for all</u>	62150
<u>nursing facilities for which a quality score was determined.</u>	62151
<u>(4) Multiply the average quality score determined under</u>	62152
<u>division (B)(2) of this section by the sum determined under</u>	62153
<u>division (B)(3) of this section.</u>	62154
<u>(5) Determine the value per quality point by determining the</u>	62155
<u>quotient of the following:</u>	62156
<u>(a) The following:</u>	62157
<u>(i) For the second half of state fiscal year 2020, the sum</u>	62158
<u>determined under division (E)(1)(b) of this section;</u>	62159
<u>(ii) For all of state fiscal year 2021 and each state fiscal</u>	62160
<u>year thereafter, the sum determined under division (E)(2)(b) of</u>	62161
<u>this section.</u>	62162
<u>(b) The product determined under division (B)(4) of this</u>	62163

<u>section.</u>	62164
<u>(6) Multiply the value per quality point determined under</u>	62165
<u>division (B)(5) of this section by the nursing facility's quality</u>	62166
<u>score determined under division (C) of this section.</u>	62167
<u>(C)(1) Except as provided in divisions (C)(2) and (3) of this</u>	62168
<u>section, a nursing facility's quality score for a state fiscal</u>	62169
<u>year shall be the sum of the total number of points that CMS</u>	62170
<u>assigned to the nursing facility under CMS's nursing facility</u>	62171
<u>five-star quality rating system for the following quality metrics:</u>	62172
<u>(a) The percentage of the nursing facility's long-stay</u>	62173
<u>residents at high risk for pressure ulcers who had pressure ulcers</u>	62174
<u>during the measurement period;</u>	62175
<u>(b) The percentage of the nursing facility's long-stay</u>	62176
<u>residents who had a urinary tract infection during the measurement</u>	62177
<u>period;</u>	62178
<u>(c) The percentage of the nursing facility's long-stay</u>	62179
<u>residents whose ability to move independently worsened during the</u>	62180
<u>measurement period;</u>	62181
<u>(d) The percentage of the nursing facility's long-stay</u>	62182
<u>residents who had a catheter inserted and left in their bladder</u>	62183
<u>during the measurement period.</u>	62184
<u>(2) In determining a nursing facility's quality score for a</u>	62185
<u>state fiscal year, the department shall make the following</u>	62186
<u>adjustment to the number of points that CMS assigned to the</u>	62187
<u>nursing facility for each of the quality metrics specified in</u>	62188
<u>division (C)(1) of this section:</u>	62189
<u>(a) Unless division (C)(2)(b) of this section applies, divide</u>	62190
<u>the number of the nursing facility's points for the quality metric</u>	62191
<u>by twenty.</u>	62192
<u>(b) If CMS assigned the nursing facility to the lowest</u>	62193

percentile for the quality metric, reduce the number of the 62194
nursing facility's points for the quality metric to zero. 62195

(3) A nursing facility's quality score shall be zero for a 62196
state fiscal year if it is not to receive a quality incentive 62197
payment for that state fiscal year because of division (D) of this 62198
section. 62199

(D)(1) Except as provided in division (D)(2) of this section, 62200
a nursing facility shall not receive a quality incentive payment 62201
for a state fiscal year, other than the second half of state 62202
fiscal year 2020, if the nursing facility's licensed occupancy 62203
percentage is less than seventy per cent. 62204

(2) Division (D)(1) of this section does not apply to a 62205
nursing facility for a state fiscal year if either of the 62206
following apply: 62207

(a) The nursing facility has a quality score under division 62208
(C) of this section for the state fiscal year of at least ten 62209
points; 62210

(b) Either of the following occurred less than four years 62211
before the first day of the state fiscal year: 62212

(i) The nursing facility was initially certified for 62213
participation in the medicaid program. 62214

(ii) The nursing facility underwent a renovation during which 62215
the nursing facility temporarily removed one or more of its 62216
licensed beds from service. 62217

(3) A nursing facility's licensed occupancy percentage for a 62218
state fiscal year shall be determined as follows: 62219

(a) Multiply the nursing facility's licensed capacity on the 62220
last day of the measurement period applicable to the state fiscal 62221
year by the number of days in that measurement period; 62222

(b) Divide the number of the nursing facility's inpatient 62223

days for the measurement period applicable to the state fiscal year by the product determined under division (D)(3)(a) of this section. 62224
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(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following: 62227
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(1) For the second half of state fiscal year 2020, the amount determined as follows: 62229
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(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section: 62231
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(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020; 62234
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(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018. 62237
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(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities for which the product was determined for the second half of state fiscal year 2020. 62241
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(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows: 62245
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(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section: 62247
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62249

(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year; 62250
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(ii) Add the amount determined under division (E)(2)(a)(i) of 62253

this section to the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year; 62254
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(iii) Multiply the sum determined under division (E)(2)(a)(ii) of this section by the medicare skilled nursing facility market basket index for federal fiscal year 2020; 62257
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(iv) Determine the sum of the amounts determined under divisions (E)(2)(a)(i) and (iii) of this section; 62260
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(v) Multiply the sum determined under division (E)(2)(a)(iv) of this section by the number of the nursing facility's medicaid days for the measurement period applicable to the state fiscal year. 62262
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(b) Determine the sum of the products determined under division (E)(2)(a)(v) of this section for all nursing facilities for which the product was determined for the state fiscal year. 62266
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Sec. 5165.361. It is the general assembly's intent to specify 62269
in statute the factor to be used for state fiscal year 2020 and 62270
each state fiscal year thereafter (other than the first state 62271
fiscal year in a group of consecutive state fiscal years for which 62272
a rebasing is conducted) as the budget reduction adjustment factor 62273
for the purpose of sections ~~5165.15~~, 5165.16, 5165.17, and 62274
~~5165.19~~, ~~and 5165.21~~ of the Revised Code. The budget reduction 62275
adjustment factor to be used for a state fiscal year shall not 62276
exceed the medicare skilled nursing facility market basket index 62277
determined for the federal fiscal year that begins during the 62278
state fiscal year immediately preceding the state fiscal year for 62279
which the budget reduction adjustment factor is being used. If the 62280
general assembly fails to specify in statute the factor to be used 62281
for a state fiscal year as the budget reduction adjustment factor, 62282
the budget reduction adjustment factor shall be zero. 62283

Sec. 5166.01. As used in this chapter:	62284
"209(b) option" means the option described in section 1902(f)	62285
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the	62286
medicaid program's eligibility requirements for aged, blind, and	62287
disabled individuals are more restrictive than the eligibility	62288
requirements for the supplemental security income program.	62289
"Administrative agency" means, with respect to a home and	62290
community-based services medicaid waiver component, the department	62291
of medicaid or, if a state agency or political subdivision	62292
contracts with the department under section 5162.35 of the Revised	62293
Code to administer the component, that state agency or political	62294
subdivision.	62295
"Care management system" means the system established under	62296
<u>has the same meaning as in</u> section 5167.03 <u>5167.01</u> of the Revised	62297
Code.	62298
"Dual eligible individual" has the same meaning as in section	62299
5160.01 of the Revised Code.	62300
"Expansion eligibility group" has the same meaning as in	62301
section 5163.01 of the Revised Code.	62302
"Federal poverty line" has the same meaning as in section	62303
5162.01 of the Revised Code.	62304
"Home and community-based services medicaid waiver component"	62305
means a medicaid waiver component under which home and	62306
community-based services are provided as an alternative to	62307
hospital services, nursing facility services, or ICF/IID services.	62308
"Hospital" has the same meaning as in section 3727.01 of the	62309
Revised Code.	62310
"Hospital long-term care unit" has the same meaning as in	62311
section 5168.40 of the Revised Code.	62312

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 62313
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 62315
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 62317
62318

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 62319
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 62325
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 62327
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 62329
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a the care management system established under ~~section 5167.03 of the Revised Code.~~ 62331
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 62337
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"Medicare skilled nursing facility market basket index" has the same meaning as in section 5165.01 of the Revised Code. 62341
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.04. The following requirements apply to each home and community-based services medicaid waiver component:

(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication

that the individual's needs have changed. 62373

(C) A written plan of care or individual service plan based 62374
on an individual assessment of the medicaid services that an 62375
individual needs to avoid needing admission to a hospital, nursing 62376
facility, or ICF/IID shall be created for each individual 62377
determined eligible for a component. 62378

(D) Each individual determined eligible for a component shall 62379
receive that component's medicaid services in accordance with the 62380
individual's level of care determination and written plan of care 62381
or individual service plan. 62382

(E) No individual may receive medicaid services under a 62383
component while the individual is a hospital inpatient or resident 62384
of a skilled nursing facility, nursing facility, or ICF/IID. 62385

(F) No individual may receive prevocational, educational, or 62386
supported employment services under a component if the individual 62387
is eligible for such services that are funded with federal funds 62388
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 62389
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 62390

(G) Safeguards shall be taken to protect the health and 62391
welfare of individuals receiving medicaid services under a 62392
component, including safeguards established in rules adopted under 62393
section 5166.02 of the Revised Code and safeguards established by 62394
licensing and certification requirements that are applicable to 62395
the providers of that component's medicaid services. 62396

(H) No medicaid services may be provided under a component by 62397
a provider that is subject to standards that the "Social Security 62398
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 62399
established if the provider fails to comply with the standards 62400
applicable to the provider. 62401

(I) Individuals determined to be eligible for a component, or 62402
such individuals' representatives, shall be informed of that 62403

component's medicaid services, including any choices that the individual or representative may make regarding the component's medicaid services, and given the choice of either receiving medicaid services under that component or, as appropriate, hospital services, nursing facility services, or ICF/IID services.

(J) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual also receives services under the medicaid buy-in for workers with disabilities program.

(K) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual's income or resources increase to an amount above the eligibility limit for the component if the individual is participating in the medicaid buy-in for workers with disabilities program and the amount of the individual's income or resources does not exceed the eligibility limit for the medicaid buy-in for workers with disabilities program.

(L) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy-in for workers with disabilities program.

(M) If a component covers home-delivered meals, both of the following shall apply:

(1) The format in which the meals are delivered to an individual and the frequency of the deliveries shall be consistent with the individual's needs as specified in the individual's written plan of care or individual service plan;

(2) The individual who delivers the meals shall not leave the meals with the individual to whom they are delivered unless the individuals meet face-to-face at the time of the delivery.

Sec. 5166.09. (A) Each state fiscal year beginning with state 62434
fiscal year 2022, the medicaid payment rate for personal care 62435
services provided under a home and community-based services 62436
medicaid waiver component that is an alternative to nursing 62437
facility services shall be increased by the difference between the 62438
following: 62439

(1) The medicare skilled nursing facility market basket index 62440
determined for the federal fiscal year that begins during the 62441
state fiscal year immediately preceding the state fiscal year for 62442
which the determination is being made under this division; 62443

(2) The budget reduction adjustment factor for the state 62444
fiscal year for which the determination is being made under this 62445
division. 62446

(B) The budget reduction adjustment factor for a state fiscal 62447
year shall be the same as the budget reduction adjustment factor 62448
that, pursuant to section 5165.361 of the Revised Code, is used 62449
for that state fiscal year for the purpose of determining the 62450
medicaid payment rate for nursing facility services. 62451

Sec. 5166.22. (A) Subject to division (B) of this section, 62452
when the department of developmental disabilities allocates 62453
enrollment numbers to a county board of developmental disabilities 62454
for home and community-based services specified in division (A)(1) 62455
of section 5166.20 of the Revised Code and provided under any of 62456
the medicaid waiver components that the department administers 62457
under section 5166.21 of the Revised Code, the department shall 62458
consider ~~all~~ both of the following: 62459

(1) The number of individuals with developmental disabilities 62460
placed on the county board's waiting list established for the 62461
services pursuant to section 5126.042 of the Revised Code; 62462

(2) ~~The implementation component required by division (A)(3)~~ 62463

~~of section 5126.054 of the Revised Code of the county board's plan approved under section 5123.046 of the Revised Code;~~

~~(3)~~ Anything else the department considers necessary to enable the county board to provide the services to individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code.

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section 5166.21 of the Revised Code regarding the component.

Sec. 5167.01. As used in this chapter:

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

(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

~~(B)~~(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

~~(C)~~(D) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2).

~~(D)~~(E) "Enrollee" means a medicaid recipient who participates in the care management system and enrolls in a medicaid MCO plan.

(F) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

~~(E)~~(G) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

~~(F)~~(H) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system. 62493
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(I) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 62498
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~~(G)~~(J) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 62500
62501

~~(H)~~(K) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 62502
62503

(L) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 62504
62505

(M) "Prior authorization requirement" has the same meaning as in section 5160.34 of the Revised Code. 62506
62507

~~(I)~~(N) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid ~~managed care organization~~ MCO plan, regardless of whether the person or entity has a provider agreement. 62508
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~~(J)~~(O) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 62512
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Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The department shall implement the system in some or all counties. 62514
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The department shall designate the medicaid recipients who are required or permitted to participate in the care management system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the 62517
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Revised Code, no medicaid recipient participating in the healthy 62523
Ohio program established under section 5166.40 of the Revised Code 62524
shall participate in the system. 62525

The general assembly's authorization through the enactment of 62526
legislation is needed before home and community-based services 62527
available under a medicaid waiver component or nursing facility 62528
services are included in the care management system, except that 62529
ICDS participants may be required or permitted to obtain such 62530
services under the system. Medicaid recipients who receive such 62531
services may be designated for voluntary or mandatory 62532
participation in the system in order to receive other health care 62533
services included in the system. 62534

The department may require or permit participants in the care 62535
management system to ~~obtain~~ do either or both of the following: 62536

(A) Obtain health care services from providers designated by 62537
the department. ~~The department may require or permit participants~~ 62538
~~to obtain health care services through medicaid managed care~~ 62539
~~organizations;~~ 62540

(B) Enroll in a medicaid MCO plan. 62541

Sec. 5167.04. The department of medicaid shall include 62542
alcohol, drug addiction, and mental health services covered by 62543
medicaid in the care management system ~~established under section~~ 62544
~~5167.03 of the Revised Code. The services shall not be included in~~ 62545
~~the system before July 1, 2018.~~ 62546

Sec. 5167.05. The department of medicaid may include 62547
prescribed drugs covered by the medicaid program in the care 62548
management system. 62549

Sec. ~~5167.121~~ 5167.051. If the medicaid program covers the 62550
pharmacist services described in section 5164.14 of the Revised 62551

Code, the department of medicaid may ~~require a medicaid managed~~ 62552
~~care organization to provide coverage of the pharmacist services~~ 62553
~~to the same extent when the services are provided to a medicaid~~ 62554
~~recipient who is enrolled in the organization as a part of include~~ 62555
~~the services in the care management system established under~~ 62556
~~section 5167.03 of the Revised Code.~~ 62557

Sec. 5167.10. ~~(A)~~ The department of medicaid may enter into 62558
contracts with managed care organizations, including health 62559
insuring corporations, under which the organizations are 62560
authorized to provide, or arrange for the provision of, health 62561
care services to medicaid recipients who are required or permitted 62562
to ~~obtain health care services through managed care organizations~~ 62563
~~as part of participate in the care management system established~~ 62564
~~under section 5167.03 of the Revised Code.~~ 62565

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~ 62566
~~department or its actuary shall base the hospital inpatient~~ 62567
~~capital payment portion of the payment made to managed care~~ 62568
~~organizations on data for services provided to all recipients~~ 62569
~~enrolled in managed care organizations with which the department~~ 62570
~~contracts, as reported by hospitals on relevant cost reports~~ 62571
~~submitted pursuant to rules adopted under section 5167.02 of the~~ 62572
~~Revised Code.~~ 62573

~~(2)(a) The hospital inpatient capital payment portion of the~~ 62574
~~payment made to medicaid managed care organizations shall not~~ 62575
~~exceed any maximum rate established by the department pursuant to~~ 62576
~~rules adopted under this section.~~ 62577

~~(b) If a maximum rate is established, a medicaid managed care~~ 62578
~~organization shall not compensate hospitals for inpatient capital~~ 62579
~~costs in an amount that exceeds that rate.~~ 62580

~~(C) The department of medicaid shall allow a medicaid managed~~ 62581

~~care organization to use providers to render care upon completion~~ 62582
~~of the medicaid managed care organization's credentialing process.~~ 62583

Sec. 5167.101. (A) Subject to division (B) of this section, 62584
the department of medicaid or its actuary shall base the hospital 62585
inpatient capital payment portion of the payment made to a 62586
medicaid managed care organization on data for services provided 62587
to all of the organization's enrollees, as reported by hospitals 62588
on relevant cost reports submitted pursuant to rules adopted under 62589
section 5167.02 of the Revised Code. 62590

(B) The hospital inpatient capital payment portion of the 62591
payment made to medicaid managed care organizations shall not 62592
exceed any maximum rate established in rules adopted under section 62593
5167.02 of the Revised Code. 62594

If a maximum rate is established, a medicaid managed care 62595
organization shall not compensate hospitals for inpatient capital 62596
costs in an amount that exceeds that rate. 62597

Sec. 5167.102. In addition to the managed care performance 62598
payment program created under section 5167.30 of the Revised Code, 62599
the department of medicaid shall establish performance metrics 62600
that will be used to evaluate and compare how medicaid managed 62601
care organizations perform under the contracts entered into under 62602
section 5167.10 of the Revised Code. The performance metrics may 62603
include financial incentives and penalties. 62604

The department shall make available on its internet web site 62605
the metrics the department uses to determine how well medicaid 62606
managed care organizations perform. The department shall update 62607
its internet web site each quarter to reflect any changes it makes 62608
to the metrics. 62609

Sec. 5167.103. The department of medicaid shall periodically 62610

audit each medicaid managed care organization to ensure compliance 62611
with the organization's contract entered into under section 62612
5167.10 of the Revised Code as well as state and federal law and 62613
regulations. 62614

~~Sec. 5167.11. When contracting under section 5167.10 of the~~ 62615
~~Revised Code with a health insuring corporation that holds a~~ 62616
~~certificate of authority under Chapter 1751. of the Revised Code,~~ 62617
~~the department of medicaid~~ Each medicaid managed care organization 62618
~~shall require the health insuring corporation to provide a~~ 62619
~~grievance process for medicaid recipients~~ the organization's 62620
enrollees in accordance with 42 C.F.R. 438, subpart F. 62621

~~Sec. 5167.12. (A) When contracting under section 5167.10 of~~ 62622
~~the Revised Code with a managed care organization that is a health~~ 62623
~~insuring corporation, the department of medicaid shall require the~~ 62624
~~health insuring corporation to provide coverage of prescribed~~ 62625
~~drugs for medicaid recipients enrolled in the health insuring~~ 62626
~~corporation. In providing the required coverage, the health~~ 62627
~~insuring corporation may use~~ If prescribed drugs are included in 62628
the care management system: 62629

(A) Medicaid MCO plans may include strategies for the 62630
management of drug utilization, but any such strategies are 62631
subject to the limitations and requirements of this section and 62632
the department's approval of the department of medicaid. 62633

~~(B) The department~~ A medicaid MCO plan shall not ~~permit a~~ 62634
~~health insuring corporation to~~ impose a prior authorization 62635
requirement in the case of a drug to which all of the following 62636
apply: 62637

(1) The drug is an antidepressant or antipsychotic. 62638

(2) The drug is administered or dispensed in a standard 62639

tablet or capsule form, except that in the case of an 62640
antipsychotic, the drug also may be administered or dispensed in a 62641
long-acting injectable form. 62642

(3) The drug is prescribed by any of the following: 62643

(a) A physician ~~who is allowed by whom~~ the ~~health insuring~~ 62644
~~corporation~~ medicaid managed care organization that offers the 62645
plan allows to provide care as a psychiatrist through its 62646
credentialing process, ~~as described in division (C) of section~~ 62647
~~5167.10 of the Revised Code;~~ 62648

(b) A psychiatrist who is practicing at a location on behalf 62649
of a community mental health services provider whose mental health 62650
services are certified by the department of mental health and 62651
addiction services under section 5119.36 of the Revised Code; 62652

(c) A certified nurse practitioner, as defined in section 62653
4723.01 of the Revised Code, who is certified in psychiatric 62654
mental health by a national certifying organization approved by 62655
the board of nursing under section 4723.46 of the Revised Code; 62656

(d) A clinical nurse specialist, as defined in section 62657
4723.01 of the Revised Code, who is certified in psychiatric 62658
mental health by a national certifying organization approved by 62659
the board of nursing under section 4723.46 of the Revised Code. 62660

(4) The drug is prescribed for a use that is indicated on the 62661
drug's labeling, as approved by the federal food and drug 62662
administration. 62663

(C) ~~Subject to division (E) of this section, the~~ The 62664
department shall authorize a ~~health insuring corporation~~ medicaid 62665
MCO plan to ~~develop and implement~~ include a pharmacy utilization 62666
management program under which prior authorization through the 62667
program is established as a condition of obtaining a controlled 62668
substance pursuant to a prescription. 62669

(D) ~~The department shall require a health insuring corporation to~~ Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the ~~health insuring corporation~~ organization were the department and the plan were the medicaid program.

Sec. 5167.122. The department of medicaid shall establish a single preferred drug list for the care management system. Each medicaid managed care organization and its contracted pharmacy benefit manager, if any, shall comply with the preferred drug list. The preferred drug list shall do all of the following:

(A) Streamline pharmacy benefits under the care management system;

(B) Ease administrative burdens for prescribers;

(C) Reduce misinterpretation of prescription decisions by health care providers and medicaid managed care organizations or their contracted pharmacy benefit managers;

(D) Decrease unnecessary prior authorization requirements;

(E) Reduce the possibility of errors relating to prescribing and dispensing prescribed drugs;

(F) Reduce confusion and the burden on medicaid recipients when receiving a prescription from a health care provider and filling that prescription at a pharmacy;

(G) Ensure that all supplemental rebates are sent directly to the department and are not retained by the medicaid managed care organization or its pharmacy benefit manager.

Sec. 5167.123. Beginning on January 1, 2020, a medicaid managed care organization shall contract with a specialty pharmacy as a participating provider for the organization's medicaid MCO

plan if the pharmacy meets all of the following criteria: 62699

(A) Meets the medicaid managed care organization's standards 62700
for pharmacy providers under the medicaid MCO plan; 62701

(B) Can provide pharmacy services at the same or a lower cost 62702
than other specialty pharmacies participating in the medicaid MCO 62703
plan; 62704

(C) Seeks to become a participating provider under the 62705
medicaid MCO plan. 62706

Sec. 5167.13. ~~Each contract the department of medicaid enters~~ 62707
~~into with a managed care organization under section 5167.10 of the~~ 62708
~~Revised Code shall require the medicaid managed care organization~~ 62709
~~to shall~~ implement a coordinated services program for medicaid 62710
~~recipients enrolled in the organization~~ organization's enrollees 62711
who are found to have obtained prescribed drugs under the medicaid 62712
program at a frequency or in an amount that is not medically 62713
necessary. The program shall be implemented in a manner that is 62714
consistent with section 1915(a)(2) of the "Social Security Act," 62715
~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 62716
431.54(e). 62717

Sec. 5167.14. ~~Each contract the department of medicaid enters~~ 62718
~~into with a medicaid managed care organization under section~~ 62719
~~5167.10 of the Revised Code shall require the managed care~~ 62720
~~organization to~~ enter into a data security agreement with the 62721
state board of pharmacy governing the managed care organization's 62722
use of the board's drug database established and maintained under 62723
section 4729.75 of the Revised Code. 62724

This section does not apply if the board no longer maintains 62725
the drug database. 62726

Sec. 5167.15. A medicaid managed care organization may 62727
include in its medicaid MCO plans any service or product that 62728
would have a beneficial effect on the health of enrollees and 62729
that, because of the beneficial effect, is likely to reduce the 62730
per recipient per month costs under the plan by the end of the 62731
first three years that the service or product is covered. 62732

~~Sec. 5167.17.~~ ~~When contracting under section 5167.10 of the~~ 62733
~~Revised Code with a~~ Each medicaid managed care organization ~~that~~ 62734
~~is a health insuring corporation, the department of medicaid shall~~ 62735
~~require the health insuring corporation to~~ provide enhanced care 62736
management services for pregnant women and women capable of 62737
becoming pregnant in the communities specified in rules adopted 62738
under section 3701.142 of the Revised Code. ~~The contract shall~~ 62739
~~specify that the services are to~~ shall be provided in a manner 62740
intended to decrease the incidence of prematurity, low birth 62741
weight, and infant mortality, as well as improve the overall 62742
health status of women capable of becoming pregnant for the 62743
purpose of ensuring optimal future birth outcomes. 62744

~~Sec. 5167.171.~~ ~~When contracting with a~~ Each medicaid managed 62745
care organization ~~that is a health insuring corporation, the~~ 62746
~~department of medicaid shall require the organization, if the~~ 62747
organization requires practitioners to obtain prior approval 62748
before administering progesterone to the organization's enrollees 62749
who are pregnant medicaid recipients enrolled in the organization, 62750
~~to~~ use a uniform prior approval form for progesterone that is not 62751
more than one page. 62752

~~Sec. 5167.172.~~ ~~When contracting with a~~ Each medicaid managed 62753
care organization ~~that is a health insuring corporation, the~~ 62754
~~department of medicaid shall require the organization to~~ promote 62755
the use of technology-based resources, such as mobile telephone or 62756

text messaging applications, that offer tips on having a healthy 62757
pregnancy and healthy baby to ~~medicaid recipients~~ the 62758
organization's enrollees who are ~~enrolled in the organization and~~ 62759
~~are~~ pregnant or have an infant who is less than one year of age. 62760

Sec. 5167.173. (A) As used in this section: 62761

(1) "Board of health" means the board of health of a city or 62762
general health district or the authority having the duties of a 62763
board of health under section 3709.05 of the Revised Code. 62764

(2) "Certified community health worker" has the same meaning 62765
as in section 4723.01 of the Revised Code. 62766

(3) "Community health worker services" means the services 62767
described in section 4723.81 of the Revised Code. 62768

(4) "Public health nurse" means a registered nurse employed 62769
or contracted by a board of health. 62770

(5) "Qualified community hub" means a central clearinghouse 62771
for a network of community care coordination agencies that meets 62772
all of the following criteria: 62773

(a) Demonstrates to the director of health that it uses an 62774
evidenced-based, pay-for-performance community care coordination 62775
model (endorsed by the federal agency for healthcare research and 62776
quality, the national institutes of health, and the centers for 62777
medicare and medicaid services or their successors) or uses 62778
certified community health workers or public health nurses to 62779
connect at-risk individuals to health, housing, transportation, 62780
employment, education, and other social services; 62781

(b) Is a board of health or demonstrates to the director of 62782
health that it has achieved, or is engaged in achieving, 62783
certification from a national hub certification program; 62784

(c) Has a plan, approved by the medicaid director, specifying 62785

how the board of health or community hub ensures that children 62786
served by it receive appropriate developmental screenings as 62787
specified in the publication titled "Bright Futures: Guidelines 62788
for Health Supervision of Infants, Children, and Adolescents," 62789
available from the American academy of pediatrics, as well as 62790
appropriate early and periodic screening, diagnostic, and 62791
treatment services. 62792

(B) ~~When contracting with a~~ Each medicaid managed care 62793
organization ~~that is a health insuring corporation, the department~~ 62794
~~of medicaid~~ shall ~~require the organization to~~ provide to a 62795
~~medicaid recipient~~ an enrollee who meets the criteria in division 62796
(C) of this section, or arrange for the ~~medicaid recipient~~ 62797
enrollee to receive, both of the following services provided by a 62798
certified community health worker or public health nurse, as 62799
applicable, who is employed by, or works under a contract with, a 62800
qualified community hub: 62801

(1) Community health worker services or services provided by 62802
a public health nurse; 62803

(2) Other services that are not community health worker 62804
services or services provided by a public health nurse but are 62805
performed for the purpose of ensuring that the ~~medicaid recipient~~ 62806
enrollee is linked to employment services, housing, educational 62807
services, social services, or medically necessary physical and 62808
behavioral health services. 62809

(C) ~~A medicaid recipient~~ An enrollee qualifies to receive the 62810
services specified in division (B) of this section if the ~~medicaid~~ 62811
~~recipient~~ enrollee is pregnant or capable of becoming pregnant, 62812
resides in a community served by a qualified community hub, and 62813
has been recommended to receive the services by a physician, 62814
public health nurse, or another licensed health professional 62815
specified in rules adopted under division (D) of this section, ~~and~~ 62816
~~is enrolled in the medicaid managed care organization providing or~~ 62817

~~arranging for the services.~~ 62818

(D) The medicaid director shall adopt rules under section 62819
5167.02 of the Revised Code specifying the licensed health 62820
professionals, in addition to physicians and public health nurses, 62821
who may recommend that ~~a medicaid recipient~~ an enrollee receive 62822
the services specified in division (B) of this section. 62823

Sec. 5167.18. Each ~~contract the department of medicaid enters~~ 62824
~~into with a medicaid~~ managed care organization under section 62825
5167.10 of the Revised Code shall ~~require the managed care~~ 62826
~~organization to~~ comply with federal and state efforts to identify 62827
fraud, waste, and abuse in the medicaid program. 62828

Sec. 5167.20. (A) Except as provided in division (B) of this 62829
section, when a ~~participant in the care management system~~ 62830
~~established under this chapter is enrolled in a~~ medicaid managed 62831
care organization ~~and the organization~~ refers the ~~participant~~ an 62832
enrollee to receive services, other than emergency services 62833
provided on or after January 1, 2007, at a hospital that 62834
participates in the medicaid program but is not under contract 62835
with the organization, the hospital shall provide the service for 62836
which the referral was made and shall accept from the 62837
organization, as payment in full, the amount derived from the 62838
payment rate used by the department of medicaid to pay other 62839
hospitals of the same type for providing the same service to a 62840
medicaid recipient who is not enrolled in a medicaid ~~managed care~~ 62841
~~organization~~ MCO plan. 62842

(B) A hospital is not subject to division (A) of this section 62843
if all of the following are the case: 62844

(1) The hospital is located in a county in which participants 62845
in the care management system are required before January 1, 2006, 62846
to be enrolled in a medicaid ~~managed care organization that is a~~ 62847

~~health insuring corporation MCO plan;~~ 62848

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section; 62849
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(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a ~~health insuring corporation~~ medicaid MCO plan. 62852
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(C) The medicaid director shall adopt rules under section 5167.02 of the Revised Code specifying the circumstances under which a medicaid managed care organization is permitted to refer a ~~participant in the care management system~~ an enrollee to a hospital that is not under contract with the organization. 62856
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Sec. 5167.201. When a ~~participant in the care management system established under this chapter is enrolled in a~~ medicaid managed care ~~organization and~~ organization's enrollee receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the ~~participant~~ enrollee received medicaid other than through enrollment in a ~~managed care organization~~ medicaid MCO plan. 62861
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An agreement entered into by a ~~participant~~ an enrollee, a ~~participant's~~ an enrollee's parent, or a ~~participant's~~ an enrollee's legal guardian that requires payment for emergency services in violation of this section is void and unenforceable. 62872
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Sec. 5167.22. When a medicaid managed care organization seeks to recoup an overpayment made to a provider, it shall provide the 62876
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provider all of the details of the recoupment, including all of 62878
the following information: 62879

(A) The name, address, and medicaid identification number of 62880
the enrollee to whom the services were provided; 62881

(B) The date or dates that the services were provided; 62882

(C) The reason for the recoupment; 62883

(D) The method by which the provider may contest the proposed 62884
recoupment. 62885

Sec. 5167.26. For the purpose of determining the amount the 62886
department of medicaid pays hospitals under section 5168.09 of the 62887
Revised Code and the amount of disproportionate share hospital 62888
payments paid by the medicare program pursuant to section 1915 of 62889
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 62890
medicaid managed care organization shall keep detailed records for 62891
each hospital with which it contracts, including records regarding 62892
the cost to the hospital of providing hospital services for the 62893
organization, payments made by the organization to the hospital 62894
for the services, utilization of hospital services by ~~medicaid~~ 62895
~~recipients enrolled in the organization~~ organization's enrollees, 62896
and other utilization data required by the department. 62897

Sec. 5167.41. The department of medicaid may disenroll some 62898
or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan 62899
offered by a medicaid managed care organization if the department 62900
proposes to terminate or not to renew the contract entered into 62901
under section 5167.10 of the Revised Code and determines that the 62902
recipients' access to medically necessary services is jeopardized 62903
by the proposal to terminate or not to renew the contract. The 62904
disenrollment is not subject to Chapter 119. of the Revised Code, 62905
but the medicaid managed care organization may request a 62906

reconsideration of the disenrollment. Reconsiderations shall be 62907
requested and conducted in accordance with rules the medicaid 62908
director shall adopt under section 5167.02 of the Revised Code. 62909
The request for, or conduct of, a reconsideration regarding a 62910
proposed disenrollment shall not delay the disenrollment. 62911

Sec. 5168.03. The requirements of sections 5168.06 to 5168.09 62912
of the Revised Code apply only as long as the United States ~~health~~ 62913
~~care financing administration~~ centers for medicare and medicaid 62914
services determines that the assessment imposed under section 62915
5168.06 of the Revised Code is a permissible health care-related 62916
tax pursuant to the "Social Security Act," section 1903(w), 42 62917
U.S.C. 1396b(w). Whenever the department of medicaid is informed 62918
that the assessment is an impermissible health care-related tax, 62919
the department shall promptly refund to each hospital the amount 62920
of money currently in the hospital care assurance program fund 62921
created by section 5168.11 of the Revised Code that has been paid 62922
by the hospital under section 5168.06 or 5168.07 of the Revised 62923
Code, plus any investment earnings on that amount. 62924
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Sec. 5168.05. (A) Except as provided in division (C) of this 62926
section, each hospital, on or before the first day of July of each 62927
year or at a later date approved by the medicaid director, shall 62928
submit to the department of medicaid a financial statement for the 62929
preceding calendar year that accurately reflects the income, 62930
expenses, assets, liabilities, and net worth of the hospital, and 62931
accompanying notes. A hospital that has a fiscal year different 62932
from the calendar year shall file its financial statement within 62933
one hundred eighty days of the end of its fiscal year or at a 62934
later date approved by the director. The financial statement shall 62935
be prepared by an independent certified public accountant and 62936

reflect an official audit report prepared in a manner consistent 62937
with generally accepted accounting principles. The financial 62938
statement shall, to the extent that the hospital has sufficient 62939
financial records, show bad debt and charity care separately from 62940
courtesy care and contractual allowances. 62941

(B) Except as provided in division (C) of this section, each 62942
hospital, within one hundred eighty days after the end of the 62943
hospital's cost reporting period, shall submit to the department a 62944
cost report in a format prescribed in rules adopted under section 62945
5168.02 of the Revised Code. The department shall grant a hospital 62946
an extension of the one hundred eighty day period if the ~~health~~ 62947
~~care financing administration of the United States department of~~ 62948
~~health and human~~ centers for medicare and medicaid services 62949
extends the date by which the hospital must submit its cost report 62950
for the hospital's cost reporting period. 62951

(C) The director may adopt rules under section 5168.02 of the 62952
Revised Code specifying financial information that must be 62953
submitted by hospitals for which no financial statement or cost 62954
report is available. The rules shall specify deadlines for 62955
submitting the information. Each such hospital shall submit the 62956
information specified in the rules not later than the deadline 62957
specified in the rules. 62958

Sec. 5168.06. (A) For the purpose of distributing funds to 62959
hospitals under the medicaid program pursuant to sections 5168.01 62960
to 5168.14 of the Revised Code and depositing funds into the 62961
health care/medicaid support and recoveries fund created under 62962
section 5162.52 of the Revised Code, there is hereby imposed an 62963
assessment on all hospitals. Each hospital's assessment shall be 62964
based on total facility costs. All hospitals shall be assessed 62965
according to the rate or rates established each program year in 62966
rules adopted under section 5168.02 of the Revised Code. The 62967

department shall assess all hospitals uniformly and in a manner 62968
consistent with federal statutes and regulations. During any 62969
program year, the department shall not assess any hospital more 62970
than two per cent of the hospital's total facility costs. 62971

The department shall establish an assessment rate or rates 62972
each program year that will do both of the following: 62973

(1) Yield funds that, when combined with intergovernmental 62974
transfers and federal matching funds, will produce a program of 62975
sufficient size to pay a substantial portion of the indigent care 62976
provided by hospitals; 62977

(2) Yield funds that, when combined with intergovernmental 62978
transfers and federal matching funds, will produce amounts for 62979
distribution to disproportionate share hospitals that do not 62980
exceed, in the aggregate, the limits prescribed by the United 62981
States ~~health care financing administration~~ centers for medicare 62982
and medicaid services under the "Social Security Act," section 62983
1923(f), 42 U.S.C. 1396r-4(f). 62984

(B)(1) Except as provided in division (B)(3) of this section, 62985
each hospital shall pay its assessment in periodic installments in 62986
accordance with a schedule established in rules adopted under 62987
section 5168.02 of the Revised Code. 62988

(2) The installments shall be equal in amount, unless either 62989
of the following applies: 62990

(a) The department makes adjustments during a program year 62991
under division (D) of section 5168.08 of the Revised Code in the 62992
total amount of hospitals' assessments; 62993

(b) The medicaid director determines that adjustments in the 62994
amounts of installments are necessary for the administration of 62995
sections 5168.01 to 5168.14 of the Revised Code and that unequal 62996
installments will not create cash flow difficulties for hospitals. 62997

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health care/medicaid support and recoveries fund created under section 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States ~~health care financing administration~~ centers for medicare and medicaid services under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.08. (A) Before or during each program year, the department of medicaid shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary

determination of a hospital's assessment shall be calculated for a 63029
cost-reporting period that is specified in rules adopted under 63030
section 5168.02 of the Revised Code. 63031

The department shall consult with hospitals each year when 63032
determining the date on which it will mail the preliminary 63033
determinations in order to minimize hospitals' cash flow 63034
difficulties. 63035

If no hospital submits a request for reconsideration under 63036
division (B) of this section, the preliminary determination 63037
constitutes the final reconciliation of each hospital's assessment 63038
under section 5168.06 of the Revised Code. The final 63039
reconciliation is subject to adjustments under division (D) of 63040
this section. 63041

(B) Not later than fourteen days after the preliminary 63042
determinations are mailed, any hospital may submit to the 63043
department a written request to reconsider the preliminary 63044
determinations. The request shall be accompanied by written 63045
materials setting forth the basis for the reconsideration. If one 63046
or more hospitals submit a request, the department shall hold a 63047
public hearing not later than thirty days after the preliminary 63048
determinations are mailed to reconsider the preliminary 63049
determinations. The department shall mail to each hospital a 63050
written notice of the date, time, and place of the hearing at 63051
least ten days prior to the hearing. On the basis of the evidence 63052
submitted to the department or presented at the public hearing, 63053
the department shall reconsider and may adjust the preliminary 63054
determinations. The result of the reconsideration is the final 63055
reconciliation of the hospital's assessment under section 5168.06 63056
of the Revised Code. The final reconciliation is subject to 63057
adjustments under division (D) of this section. 63058

(C) The department shall mail to each hospital a written 63059
notice of its assessment for the program year under the final 63060

reconciliation. A hospital may appeal the final reconciliation of 63061
its assessment to the court of common pleas of Franklin county. 63062
While a judicial appeal is pending, the hospital shall pay, in 63063
accordance with the schedules required by division (B) of section 63064
5168.06 of the Revised Code, any amount of its assessment that is 63065
not in dispute into the hospital care assurance program fund 63066
created in section 5168.11 of the Revised Code. 63067

(D) In the course of any program year, the department may 63068
adjust the assessment rate or rates established in rules pursuant 63069
to section 5168.06 of the Revised Code or adjust the amounts of 63070
intergovernmental transfers required under section 5168.07 of the 63071
Revised Code and, as a result of the adjustment, adjust each 63072
hospital's assessment and intergovernmental transfer, to reflect 63073
refinements made by the United States ~~health care financing~~ 63074
~~administration~~ centers for medicare and medicaid services during 63075
that program year to the limits it prescribed under the "Social 63076
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 63077
adjusted, the assessment rate or rates must comply with division 63078
(A) of section 5168.06 of the Revised Code. An adjusted 63079
intergovernmental transfer must comply with division (A) of 63080
section 5168.07 of the Revised Code. The department shall notify 63081
hospitals of adjustments made under this division and adjust for 63082
the remainder of the program year the installments paid by 63083
hospitals under sections 5168.06 and 5168.07 of the Revised Code 63084
in accordance with rules adopted under section 5168.02 of the 63085
Revised Code. 63086

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 63087
Revised Code: 63088

(A) "Basic health care services" means all of the services 63089
listed in division (A)(1) of section 1751.01 of the Revised Code. 63090

(B) "Care management system" ~~means the system established~~ 63091

~~under~~ has the same meaning as in section 5167.03 5167.01 of the Revised Code. 63092
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(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 63094
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(D) "Franchise fee" means the fee imposed on health insuring corporation plans under section 5168.76 of the Revised Code. 63096
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(E) "Health insuring corporation" has the same meaning as in section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services. 63098
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(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following: 63104
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(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services; 63110
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(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f); 63115
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(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 63118
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(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security 63120
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Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 63122
determining whether a health care class is indirectly held 63123
harmless for any portion of the costs of a broad-based 63124
health-care-related tax. If the indirect guarantee percentage 63125
changes during a fiscal year, the indirect guarantee percentage is 63126
the following: 63127

(1) For the part of the fiscal year before the change takes 63128
effect, the percentage in effect before the change; 63129

(2) For the part of the fiscal year beginning with the date 63130
the indirect guarantee percentage changes, the new percentage. 63131

(H) "Medicaid managed care organization" has the same meaning 63132
as in section 5167.01 of the Revised Code. 63133

(I) "Medicaid provider" has the same meaning as in section 63134
5164.01 of the Revised Code. 63135

(J) "Ohio medicaid member month" means a month in which a 63136
medicaid recipient residing in this state is enrolled in a health 63137
insuring corporation plan. 63138

(K) "Other Ohio member month" means a month in which a 63139
resident of this state who is not a medicaid recipient is enrolled 63140
in a health insuring corporation plan. 63141

(L) "Rate year" means the fiscal year for which a franchise 63142
fee is imposed. 63143

Sec. 5501.20. (A) As used in this section: 63144

(1) "Career professional service" means that part of the 63145
competitive classified service that consists of employees of the 63146
department of transportation who, regardless of job 63147
classification, meet both of the following qualifications: 63148

(a) They are supervisors, professional employees who are not 63149
in a collective bargaining unit, confidential employees, or 63150

management level employees, all as defined in section 4117.01 of the Revised Code. 63151
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(b) They exercise authority that is not merely routine or clerical in nature and report only to a higher level unclassified employee or employee in the career professional service. 63153
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(2) "Demoted" means that an employee is placed in a position where the employee's wage rate equals, or is not more than twenty per cent less than, the employee's wage rate immediately prior to demotion or where the employee's job responsibilities are reduced, or both. 63156
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(3) "Employee in the career professional service with restoration rights" means an employee in the career professional service who has been in the classified civil service for at least two years and who has a cumulative total of at least ten years of continuous service with the department of transportation. 63161
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~~(B) Not later than the first day of July of each odd numbered year, the director of transportation shall adopt a rule in accordance with section 111.15 of the Revised Code that establishes a business plan for the department of transportation that states the department's mission, business objectives, and strategies and that establishes a procedure by which employees in the career professional service will be held accountable for their performance. The director shall adopt a rule that establishes a business plan for the department only once in each two years. Within sixty days after the effective date of a rule that establishes a business plan for the department, the~~ The director shall adopt a rule in accordance with section 111.15 of the Revised Code that identifies specific positions within the department of transportation that are included in the career professional service. The director may amend the rule that identifies the specific positions included in the career professional service whenever the director determines necessary. 63166
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Any rule adopted under this division is subject to review and 63183
invalidation by the joint committee on agency rule review as 63184
provided in division (D) of section 111.15 of the Revised Code. 63185
The director shall provide a copy of any rule adopted under this 63186
division to the director of budget and management. 63187

~~Except as otherwise provided in this section, an~~ An employee 63188
in the career professional service is subject to the provisions of 63189
Chapter 124. of the Revised Code that govern employees in the 63190
classified civil service. 63191

~~(C) After an employee is appointed to a position in the~~ 63192
~~career professional service, the employee's direct supervisor~~ 63193
~~shall provide the employee appointed to that position with a~~ 63194
~~written performance action plan that describes the department's~~ 63195
~~expectations for that employee in fulfilling the mission, business~~ 63196
~~objectives, and strategies stated in the department's business~~ 63197
~~plan. No sooner than four months after being appointed to a~~ 63198
~~position in the career professional service, an employee appointed~~ 63199
~~to that position shall receive a written performance review based~~ 63200
~~on the employee's fulfillment of the mission, business objectives,~~ 63201
~~and strategies stated in the department's business plan. After the~~ 63202
~~initial performance review, the~~ An employee in the career 63203
professional service shall receive a written performance review at 63204
least once each year or as often as the director considers 63205
necessary. The department shall give an employee whose performance 63206
is unsatisfactory an opportunity to improve performance for a 63207
period of at least six months, by means of a written ~~corrective~~ 63208
~~action~~ performance improvement plan, before the department takes 63209
any disciplinary action under this section ~~or section 124.34 of~~ 63210
~~the Revised Code. The department shall base its performance review~~ 63211
~~forms on its business plan.~~ 63212

(D) An employee in the career professional service may be 63213
suspended, demoted, or removed ~~because of performance that hinders~~ 63214

~~or restricts the fulfillment of the department's business plan~~ 63215
~~pursuant to division (C) of this section~~ or for disciplinary 63216
reasons under section 124.34 or 124.57 of the Revised Code. An 63217
employee in the career professional service may appeal only the 63218
employee's removal to the state personnel board of review. An 63219
employee in the career professional service may appeal a demotion 63220
or a suspension of more than three days pursuant to rules the 63221
director adopts in accordance with section 111.15 of the Revised 63222
Code. 63223

(E) An employee in the career professional service with 63224
restoration rights has restoration rights if demoted because of 63225
performance ~~that hinders or restricts fulfillment of the mission,~~ 63226
~~business objectives, or strategies stated in the department's~~ 63227
~~business plan,~~ but not if involuntarily demoted or removed for any 63228
of the reasons described in section 124.34 or for a violation of 63229
section 124.57 of the Revised Code. The director shall demote an 63230
employee who has restoration rights of that nature to a position 63231
in the classified service that in the director's judgment is 63232
similar in nature to the position the employee held immediately 63233
prior to being appointed to the position in the career 63234
professional service. The director shall assign to an employee who 63235
is demoted to a position in the classified service as provided in 63236
this division a wage rate that equals, or that is not more than 63237
twenty per cent less than, the wage rate assigned to the employee 63238
in the career professional service immediately prior to the 63239
employee's demotion. 63240

Sec. 5501.91. (A) As used in this section, "port authority" 63241
means a port authority created under Chapter 4582. of the Revised 63242
Code. 63243

(B) There is hereby established the Ohio maritime assistance 63244
program, which the department of transportation shall administer. 63245

Under the program, a port authority may apply to the department 63246
for a grant to be used as prescribed in division (D) of this 63247
section. In order to be eligible for a grant under this section, a 63248
port authority is required to meet either of the following 63249
requirements: 63250

(1) At the time of application for a grant, the port 63251
authority owns an active marine cargo terminal located on the 63252
shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 63253

(2) At the time of application for a grant, the port 63254
authority is located in a federally qualified opportunity zone and 63255
the federally qualified opportunity zone has an active marine 63256
cargo terminal with a stevedoring operation that is located on the 63257
shore of Lake Erie. 63258

(C)(1) Every applicant for a grant shall submit with its 63259
application a written business justification for the investment 63260
that indicates the operational and market need for the project in 63261
a form the director of transportation shall prescribe. 63262

(2) The department shall evaluate all grant applications 63263
according to the following criteria: 63264

(a) The degree to which the proposed project will increase 63265
the efficiency or capacity of maritime cargo terminal operations; 63266

(b) Whether the project will result in the handling of new 63267
types of cargo or an increase in cargo volume; 63268

(c) Whether the project will meet an identified supply chain 63269
need or benefit Ohio firms that export goods to foreign markets, 63270
or import goods to Ohio for use in manufacturing or for 63271
value-added distribution; 63272

(d) Any other criteria the director determines to be 63273
appropriate. 63274

(3) If a grant application does not meet the criteria 63275

specified in divisions (C)(2)(b) and (c) of this section, an 63276
applicant is not eligible for a grant under this section. 63277

(D) A port authority shall use a grant awarded under this 63278
section only for any of the following purposes: 63279

(1) Land acquisition and site development for marine cargo 63280
terminal and associated uses, including demolition and 63281
environmental remediation; 63282

(2) Construction of wharves, quay walls, bulkheads, jetties, 63283
revetments, breakwaters, shipping channels, dredge disposal 63284
facilities, projects for the beneficial use of dredge material, 63285
and other structures and improvements directly related to maritime 63286
commerce and harbor infrastructure; 63287

(3) Construction and repair of warehouses, transit sheds, 63288
railroad tracks, roadways, gates and gatehouses, fencing, bridges, 63289
offices, shipyards, and other improvements needed for marine cargo 63290
terminal and associated uses, including shipyards; 63291

(4) Acquisition of cargo handling equipment, including mobile 63292
shore cranes, stationary cranes, tow motors, fork lifts, yard 63293
tractors, craneways, conveyor and bulk material handling 63294
equipment, and all types of ship loading and unloading equipment; 63295

(5) Planning and design services and other services 63296
associated with construction. 63297

(E) A port authority shall pay a matching amount of at least 63298
one dollar for each grant dollar received for the proposed 63299
project. 63300

(F) The director of transportation, in accordance with 63301
Chapter 119. of the Revised Code, shall adopt rules governing the 63302
program established under this section, including the grant 63303
application, evaluation, award processes, and how the grant money 63304
may be spent by a port authority. 63305

Sec. 5502.011. (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety. 63306
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(B) The director of public safety is the chief executive and administrative officer of the department. The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property. The director also may authorize and approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee. 63309
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(C) In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following: 63320
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(1) Administer and direct the performance of the duties of the department; 63323
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(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department; 63325
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(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements; 63328
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(4) Make appointments for the department as needed to comply with requirements of the Revised Code; 63332
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(5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and 63334
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terminations; 63336

(6) Accept, hold, and use, for the benefit of the department, 63337
any gift, donation, bequest, or devise, and may agree to and 63338
perform all conditions of the gift, donation, bequest, or devise, 63339
that are not contrary to law; 63340

(7) Apply for, allocate, disburse, and account for grants 63341
made available under federal law or from other federal, state, or 63342
private sources; 63343

(8) Develop a list of disqualifying offenses for licensure as 63344
a private investigator or a security guard provider pursuant to 63345
sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised 63346
Code; 63347

(9) Do all other acts necessary or desirable to carry out 63348
this chapter. 63349

(D)(1) The director of public safety may assess a reasonable 63350
fee, plus the amount of any charge or fee passed on from a 63351
financial institution, on a drawer or indorser for each of the 63352
following: 63353

(a) A check, draft, or money order that is returned or 63354
dishonored; 63355

(b) An automatic bank transfer that is declined, due to 63356
insufficient funds or for any other reason; 63357

(c) Any financial transaction device that is returned or 63358
dishonored for any reason. 63359

(2) The director shall deposit any fee collected under this 63360
division in an appropriate fund as determined by the director 63361
based on the tax, fee, or fine being paid. 63362

(3) As used in this division, "financial transaction device" 63363
has the same meaning as in section 113.40 of the Revised Code. 63364

(E)(1) The director shall establish a homeland security 63365

advisory council to advise the director on homeland security, 63366
including homeland security funding efforts. ~~The~~ 63367

(2) The advisory council shall include, but not be limited 63368
to, state consist of the following members, who shall serve 63369
without compensation: 63370

(a) The secretary of state; 63371

(b) State and local government officials, appointed by the 63372
director, who have homeland security or emergency management 63373
responsibilities and who represent first responders. ~~The director~~ 63374
~~shall appoint the ;~~ 63375

(c) Any other members of the council, who shall serve without 63376
compensation appointed by the director. 63377

Sec. 5502.63. (A) The division of criminal justice services 63378
in the department of public safety shall prepare a poster and a 63379
brochure that describe safe firearms practices. The poster and 63380
brochure shall contain typeface that is at least one-quarter inch 63381
tall. The division shall furnish copies of the poster and brochure 63382
free of charge to each federally licensed firearms dealer in this 63383
state. 63384

As used in this division, "federally licensed firearms 63385
dealer" means an importer, manufacturer, or dealer having a 63386
license to deal in destructive devices or their ammunition, issued 63387
and in effect pursuant to the federal "Gun Control Act of 1968," 63388
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 63389
additions to that act or reenactments of that act. 63390

(B)(1) The division of criminal justice services shall create 63391
a poster that provides information regarding the national human 63392
trafficking resource center hotline. The poster shall be no 63393
smaller than eight and one-half inches by eleven inches in size 63394
and shall include a statement in substantially the following form: 63395

"If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Ohio law.

The toll-free Hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous & confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under section 1973aa-1a of the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services.

(2) The division shall make the poster available for print on its public web site and shall make the poster available to and encourage its display at each of the following places:

(a) A highway truck stop;

(b) A hotel, as defined in section 3731.01 of the Revised Code;

(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;

(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	63425 63426
(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	63427 63428
(f) A hospital or urgent care center;	63429
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	63430 63431 63432 63433 63434 63435
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid certificate <u>license</u> from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	63436 63437 63438 63439 63440
(i) A fair.	63441
(3) As used in this section:	63442
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	63443 63444 63445
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	63446 63447 63448
Sec. 5513.06. (A) The director of transportation may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:	63449 63450 63451 63452
(1) Abused the solicitation process by repeatedly withdrawing	63453

bids before purchase orders or contracts are issued or failing to	63454
accept orders based upon firm bids;	63455
(2) Failed to substantially perform a contract according to	63456
its terms, conditions, and specifications within specified time	63457
limits;	63458
(3) Failed to cooperate in monitoring contract performance by	63459
refusing to provide information or documents required in a	63460
contract, failed to respond and correct matters related to	63461
complaints to the vendor, or accumulated repeated justified	63462
complaints regarding performance of a contract;	63463
(4) Attempted to influence a public employee to breach	63464
ethical conduct standards;	63465
(5) Colluded with other bidders to restrain competition by	63466
any means;	63467
(6) Been convicted of a criminal offense related to the	63468
application for or performance of any public or private contract,	63469
including, but not limited to, embezzlement, theft, forgery,	63470
bribery, falsification or destruction of records, receiving stolen	63471
property, and any other offense that directly reflects on the	63472
vendor's business integrity;	63473
(7) Been convicted under state or federal antitrust laws;	63474
(8) Deliberately or willfully submitted false or misleading	63475
information in connection with the application for or performance	63476
of a public contract;	63477
(9) Has been debarred by <u>a state agency</u> , another state, or by	63478
any agency or department of the federal government;	63479
(10) Violated any other responsible business practice or	63480
performed in an unsatisfactory manner as determined by the	63481
director.	63482
(B) When the director reasonably believes that grounds for	63483

debarment exist, the director shall send the vendor a notice of 63484
proposed debarment. If the vendor is a partnership, association, 63485
or corporation, the director also may debar from consideration for 63486
contract awards any partner of the partnership, or the officers 63487
and directors of the association or corporation, being debarred. 63488
When the director reasonably believes that grounds for debarment 63489
exist, the director shall send the individual involved a notice of 63490
proposed debarment. A notice of proposed debarment shall indicate 63491
the grounds for the debarment of the vendor or individual and the 63492
procedure for requesting a hearing. The notice and hearing shall 63493
be in accordance with Chapter 119. of the Revised Code. If the 63494
vendor or individual does not respond with a request for a hearing 63495
in the manner specified in Chapter 119. of the Revised Code, the 63496
director shall issue the debarment decision without a hearing and 63497
shall notify the vendor or individual of the decision by certified 63498
mail, return receipt requested. The debarment period may be of any 63499
length determined by the director and the director may modify or 63500
rescind the debarment at any time. During the period of debarment, 63501
the director shall not include on a bidder list or consider for a 63502
contract award any partnership, association, or corporation 63503
affiliated with a debarred individual. After the debarment period 63504
expires, the vendor or individual, and any partnership, 63505
association, or corporation affiliated with the individual, may 63506
reapply for inclusion on bidder lists through the regular 63507
application process if such entity or individual is not otherwise 63508
debarred. 63509

Sec. 5525.03. (A) All prospective bidders other than 63510
environmental remediators and specialty contractors for which 63511
there are no classes of work provided for in the rules adopted by 63512
the director of transportation shall apply for qualification on 63513
forms prescribed and furnished by the director. The application 63514
shall be accompanied by a certificate of compliance with 63515

affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days ~~prior to~~ before the date fixed for the opening of bids for a particular project. ~~The~~

(B) The director shall act upon an application for qualification within thirty days after it is presented to the director. Upon the receipt of any application for qualification, the director shall examine the application to determine whether the applicant is competent and responsible and possesses the financial resources required by section 5525.04 of the Revised Code. If the applicant is found to possess the qualifications prescribed by sections 5525.02 to 5525.09 of the Revised Code and by rules adopted by the director, including a certificate of compliance with affirmative action programs, a certificate of qualification shall be issued to the applicant, which shall be valid for the period of one year or such shorter period of time as the director prescribes, unless revoked by the director for cause as defined by rules adopted by the director under section 5525.05 of the Revised Code. ~~The~~

(C) The certificate of qualification shall contain a statement fixing the aggregate amount of work, for any or all owners, that the applicant may have under construction and uncompleted at any one time and may contain a statement limiting such bidder to the submission of bids upon a certain class of work. Subject to any restriction as to amount or class of work therein contained, the certificate of qualification shall authorize its holder to bid on all work on which bids are taken by the department of transportation during the period of time therein specified. ~~An~~

(D) An applicant who has received a certificate of qualification and desires to amend the certificate by the dollar amount or by the classes of work may submit to the director such

documentation as the director considers appropriate. The director 63548
shall review the documentation submitted by the applicant and, 63549
within fifteen days, shall either amend the certificate of 63550
qualification or deny the request. If the director denies the 63551
request to amend the certificate, the applicant may appeal that 63552
decision to the ~~director's request~~ director's prequalification 63553
review board in accordance with section 5525.07 of the Revised 63554
Code. Two or more persons, partnerships, or corporations may bid 63555
jointly on any one project, but only on condition that prior to 63556
the time bids are taken on the project the bidders make a joint 63557
application for qualification and obtain a joint certificate 63558
qualification. 63559

(E) The director may debar from participating in future 63560
contracts with the department any bidding company as well as any 63561
partner of a partnership, or the officers and directors of an 63562
association or corporation if the certificate of qualification of 63563
the company, partnership, association, or corporation is revoked 63564
or not renewed by the director. When the director reasonably 63565
believes that grounds for revocation and debarment exist, the 63566
director shall send the bidding company and any individual 63567
involved a notice of proposed revocation and debarment indicating 63568
the grounds for such action as established in rules adopted by the 63569
director under section 5525.05 of the Revised Code and the 63570
procedure for requesting a hearing. The notice and hearing shall 63571
be in accordance with Chapter 119. of the Revised Code. If the 63572
bidding company or individual does not respond with a request for 63573
a hearing in the manner specified in Chapter 119. of the Revised 63574
Code, the director shall revoke the certificate and issue the 63575
debarment decision without a hearing and shall notify the bidding 63576
company or individual of the decision by certified mail, return 63577
receipt requested. ~~The~~ 63578

(F) The debarment period may be of any length determined by 63579

the director and the director may modify or rescind the debarment 63580
at any time. During the period of debarment, the director shall 63581
not issue a certificate of qualification for any company, 63582
partnership, association, or corporation affiliated with a 63583
debarred individual. After the debarment period expires, the 63584
bidding company or individual, and any partnership, association, 63585
or corporation affiliated with the individual may make an 63586
application for qualification if such entity or individual is not 63587
otherwise debarred. 63588

Sec. 5534.152. The bridge spanning ~~the Tuscarawas river~~ state 63589
route number twenty-one, located in ~~the municipal corporation of~~ 63590
~~Canal Fulton~~ Lawrence township in Stark county and being a part of 63591
the highway known as state route ninety-three, shall be known as 63592
"Lance Corporal Michael Stangelo, USMC, Memorial Bridge." 63593

The director of transportation may erect suitable markers 63594
upon the bridge or its approaches indicating its name. 63595
63596

Sec. 5537.07. (A) When the cost to the Ohio turnpike and 63597
infrastructure commission under any contract with a person other 63598
than a governmental agency involves an expenditure of more than 63599
fifty thousand dollars, the commission shall make a written 63600
contract with the lowest responsive and responsible bidder, in 63601
accordance with section 9.312 of the Revised Code, after 63602
advertisement, in accordance with section 7.16 of the Revised 63603
Code, for not less than two consecutive weeks in a newspaper of 63604
general circulation ~~in Franklin county~~, and in such other 63605
publications as the commission determines, ~~which.~~ The notice shall 63606
state the general character of the work and the general character 63607
of the materials to be furnished, the place where plans and 63608
specifications therefor may be examined, and the time and place of 63609
receiving bids. The commission may require that the cost estimate 63610

for the construction, demolition, alteration, repair, improvement, 63611
renovation, or reconstruction of roadways and bridges for which 63612
the commission is required to receive bids be kept confidential 63613
and remain confidential until after all bids for the public 63614
improvement have been received or the deadline for receiving bids 63615
has passed. Thereafter, and before opening the bids submitted for 63616
the roadways and bridges, the commission shall make the cost 63617
estimate public knowledge by reading the cost estimate in a public 63618
place. The commission may reject any and all bids. The 63619
requirements of this division do not apply to contracts for the 63620
acquisition of real property or compensation for professional or 63621
other personal services. 63622

(B) Each bid for a contract for construction, demolition, 63623
alteration, repair, improvement, renovation, or reconstruction 63624
shall contain the full name of every person interested in it and 63625
shall meet the requirements of section 153.54 of the Revised Code. 63626

(C) Other than for a contract referred to in division (B) of 63627
this section, each bid for a contract that involves an expenditure 63628
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 63629
contract with a service facility operator shall contain the full 63630
name of every person interested in it and shall be accompanied by 63631
a sufficient bond or certified check on a solvent bank that if the 63632
bid is accepted a contract will be entered into and the 63633
performance of its proposal secured. 63634

(D) Other than a contract referred to in division (B) of this 63635
section, a bond with good and sufficient surety, in a form as 63636
prescribed and approved by the commission, shall be required of 63637
every contractor awarded a contract that involves an expenditure 63638
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 63639
contract with a service facility operator. The bond shall be in an 63640
amount equal to at least fifty per cent of the contract price and 63641
shall be conditioned upon the faithful performance of the 63642

contract. 63643

(E)(1) Notwithstanding any other provisions of this section, 63644
the commission may establish a program to expedite special 63645
turnpike projects by combining the design and construction 63646
elements of any public improvement project into a single contract. 63647
The commission shall prepare and distribute a scope of work 63648
document upon which the bidders shall base their bids. At a 63649
minimum, bidders shall meet the requirements of section 4733.161 63650
of the Revised Code. Except in regard to those requirements 63651
relating to providing plans, the commission shall award contracts 63652
following the requirements set forth in divisions (A), (B), (C), 63653
and (D) of this section. 63654

(2) Notwithstanding any other provision of this section or 63655
any other provision of the Revised Code to the contrary, the 63656
commission may use a value-based selection process when selecting 63657
a contractor to perform a project that contains both design and 63658
construction elements in a single contract under this division. 63659

(F) Notwithstanding any other provision of this section or 63660
any other provision of the Revised Code to the contrary, the 63661
commission may enter into a written contract after submission of 63662
competitive proposals when the commission determines that 63663
competitive bidding is not practical or advantageous to the 63664
commission. The commission may conduct discussions with anyone 63665
that submits a competitive proposal when that proposal might be 63666
selected to ensure that the person understands and is responsive 63667
to the requirements of the project. The commission may award the 63668
contract to the person that submits the best proposal, as 63669
determined by the commission. The commission shall consider 63670
multiple factors in awarding a contract under this division, 63671
including price and the evaluation criteria set forth in the 63672
request for competitive proposals. 63673

(G) The commission may contract for the purchase of 63674

equipment, materials, and services without public advertisement in 63675
any of the following circumstances: 63676

(1) The construction of a temporary bridge; 63677

(2) The making of temporary emergency repairs to a highway or 63678
bridge when necessary because of a storm, flood, landslide, or 63679
other natural disaster; 63680

(3) While responding to circumstances created by an 63681
extraordinary emergency, as determined by the commission. 63682

Sec. 5537.13. (A) Subject to division (C)(1) of this section 63683
and section 5537.26 of the Revised Code, the Ohio turnpike and 63684
infrastructure commission may fix, revise, charge, and collect 63685
tolls for each turnpike project, and contract in the manner 63686
provided by this section with any person desiring the use of any 63687
part thereof, including the right-of-way adjoining the paved 63688
portion, for placing thereon telephone, electric light, or power 63689
lines, service facilities, or for any other purpose, and fix the 63690
terms, conditions, rents, and rates of charge for such use, 63691
provided that no toll, charge, or rental may be made by the 63692
commission for placing in, on, along, over, or under the turnpike 63693
project, equipment or public utility facilities that are necessary 63694
to serve service facilities or to interconnect any public utility 63695
facilities. 63696

(B) Contracts for the operation of service facilities shall 63697
be made in writing. Such contracts, except contracts with state 63698
agencies or other governmental agencies, shall be made with the 63699
bidder whose bid is determined by the commission to be the best 63700
bid received, after advertisement, in accordance with section 7.16 63701
of the Revised Code, for two consecutive weeks in a newspaper of 63702
general circulation in ~~Franklin county,~~ and in other publications 63703
that the commission determines. The notice shall state the general 63704
character of the service facilities operation proposed, the place 63705

where plans and specifications may be examined, and the time and 63706
place of receiving bids. Bids shall contain the full name of each 63707
person interested in them, and shall be in such form as the 63708
commission requires. The commission may reject any and all bids. 63709
All contracts for service facilities shall be preserved in the 63710
principal office of the commission. 63711

(C)(1) Except as necessary to comply with covenants in bond 63712
proceedings in existence before July 1, 2013, for calendar years 63713
2013 through 2023, the commission shall not increase the toll 63714
rates for any class of passenger vehicle as fixed on ~~the effective~~ 63715
~~date of this amendment~~ July 1, 2013, when both of the following 63716
apply: 63717

(a) The tolls are collected and remitted in accordance with a 63718
multi-jurisdiction electronic toll collection agreement; and 63719

(b) The distance traveled is thirty miles or less. 63720

(2) Subject to division (C)(1) of this section, tolls shall 63721
be so fixed and adjusted as to provide funds at least sufficient 63722
with other revenues of the Ohio turnpike system, if any, to pay: 63723

(a) The cost of maintaining, improving, repairing, 63724
constructing, and operating the Ohio turnpike system and its 63725
different parts and sections, and to create and maintain any 63726
reserves for those purposes; 63727

(b) Any unpaid bond service charges on outstanding bonds 63728
payable from pledged revenues as such charges become due and 63729
payable, and to create and maintain any reserves for that purpose. 63730

(D) Toll is not subject to supervision, approval, or 63731
regulation by any state agency other than the turnpike and 63732
infrastructure commission. 63733

(E) Revenues derived from each turnpike project shall be 63734
first applied to pay the cost of maintenance, improvement, repair, 63735

and operation and to provide any reserves therefor that are 63736
provided for in the bond proceedings authorizing the issuance of 63737
those outstanding bonds, and otherwise as provided by the 63738
commission. The bond proceedings also shall provide, subject to 63739
the provisions of any other applicable bond proceedings, for the 63740
pledge of all, or such part as the commission may determine of the 63741
pledged revenues and the applicable special fund or funds to the 63742
payment of the bond service charges, which pledge may be made to 63743
secure the bonds senior or subordinate to or on a parity with 63744
bonds theretofore or thereafter issued, if and to the extent 63745
provided in the bond proceedings. The pledge shall be valid and 63746
binding from the time the pledge is made; the revenues and the 63747
pledged revenues thereafter received by the commission immediately 63748
shall be subject to the lien of the pledge without any physical 63749
delivery thereof or further act, and the lien of the pledge shall 63750
be valid and binding as against all parties having claims of any 63751
kind in tort, contract, or otherwise against the commission, 63752
whether or not those parties have notice thereof. The bond 63753
proceedings by which a pledge is created need not be filed or 63754
recorded except in the records of the commission. The use and 63755
disposition of moneys to the credit of a bond service fund shall 63756
be subject to the applicable bond proceedings. 63757

(F) The proceeds of bonds issued for the payment of the costs 63758
of infrastructure projects, net of the payment of all financing 63759
expenses and deposits into debt service reserves or other special 63760
funds as may be required in the applicable bond proceedings, shall 63761
be deposited to the infrastructure fund or funds and shall be 63762
exclusively used to pay the cost of infrastructure projects 63763
approved by the commission, except that income earned by the 63764
infrastructure fund may be used by the commission towards the 63765
payment of bond service charges. 63766

Sec. 5537.17. (A) Each turnpike project open to traffic shall 63767

be maintained and kept in good condition and repair by the Ohio 63768
turnpike and infrastructure commission. The Ohio turnpike system 63769
shall be policed and operated by a force of police, toll 63770
collectors, and other employees and agents that the commission 63771
employs or contracts for. 63772

(B) All public or private property damaged or destroyed in 63773
carrying out the powers granted by this chapter shall be restored 63774
or repaired and placed in its original condition, as nearly as 63775
practicable, or adequate compensation or consideration made 63776
therefor out of moneys provided under this chapter. 63777

(C) All governmental agencies may lease, lend, grant, or 63778
convey to the commission at its request, upon terms that the 63779
proper authorities of the governmental agencies consider 63780
reasonable and fair and without the necessity for an 63781
advertisement, order of court, or other action or formality, other 63782
than the regular and formal action of the authorities concerned, 63783
any property that is necessary or convenient to the effectuation 63784
of the purposes of the commission, including public roads and 63785
other property already devoted to public use. 63786

(D) Each bridge constituting part of a turnpike project shall 63787
be inspected at least once each year by a professional engineer 63788
employed or retained by the commission. 63789

(E) ~~On or before the first day of July in each year, the~~ 63790
~~commission shall make an annual report of its activities for the~~ 63791
~~preceding calendar year to the governor and the general assembly.~~ 63792
~~Each such report shall set forth a complete operating and~~ 63793
~~financial statement covering the commission's operations and~~ 63794
~~funding of any turnpike projects and infrastructure projects~~ 63795
~~during the year.~~ The commission shall cause an audit of its books 63796
and accounts to be made at least once each year by certified 63797
public accountants approved by the auditor of state, and the cost 63798
thereof may be treated as a part of the cost of operations of the 63799

commission. ~~The~~ Additionally, the auditor of state, at least once 63800
a every other year and ~~without previous notice to the commission,~~ 63801
shall audit the accounts and transactions of the commission. On or 63802
before the first day of July in each year, the commission shall 63803
submit a comprehensive annual financial report containing its 63804
audited financial statements for the preceding calendar year to 63805
the governor, the general assembly, and the director of budget and 63806
management. Each such report shall set forth a complete operating 63807
and financial statement covering the commission's operations and 63808
funding of any turnpike projects and infrastructure projects 63809
during the year. 63810

(F) The commission shall submit a copy of its ~~annual audit by~~ 63811
~~the auditor of state and~~ its proposed annual budget for each 63812
calendar or fiscal year to the governor, the presiding officers of 63813
each house of the general assembly, the director of budget and 63814
management, and the legislative service commission no later than 63815
the first day of that calendar or fiscal year. 63816

(G) Upon request of the chairperson of the appropriate 63817
standing committee or subcommittee of the senate and house of 63818
representatives that is primarily responsible for considering 63819
transportation budget matters, the commission shall appear at 63820
least one time before each committee or subcommittee during the 63821
period when that committee or subcommittee is considering the 63822
biennial appropriations for the department of transportation and 63823
shall provide testimony outlining its budgetary results for the 63824
last two calendar years, including a comparison of budget and 63825
actual revenue and expenditure amounts. The commission also shall 63826
address its current budget and long-term capital plan. 63827

(H) Not more than sixty nor less than thirty days before 63828
adopting its annual budget, the commission shall submit a copy of 63829
its proposed annual budget to the governor, the presiding officers 63830
of each house of the general assembly, the director of budget and 63831

management, and the legislative service commission. The office of 63832
budget and management shall review the proposed budget and may 63833
provide recommendations to the commission for its consideration. 63834

Sec. 5703.05. All powers, duties, and functions of the 63835
department of taxation are vested in and shall be performed by the 63836
tax commissioner, which powers, duties, and functions shall 63837
include, but shall not be limited to, the following: 63838

(A) Prescribing all blank forms which the department is 63839
authorized to prescribe, and to provide such forms and distribute 63840
the same as required by law and the rules of the department. 63841

(B) Exercising the authority provided by law, including 63842
orders from bankruptcy courts, relative to remitting or refunding 63843
taxes or assessments, including penalties and interest thereon, 63844
illegally or erroneously assessed or collected, or for any other 63845
reason overpaid, and in addition, the commissioner may on written 63846
application of any person, firm, or corporation claiming to have 63847
overpaid to the treasurer of state at any time within five years 63848
prior to the making of such application any tax payable under any 63849
law which the department of taxation is required to administer 63850
which does not contain any provision for refund, or on the 63851
commissioner's own motion investigate the facts and make in 63852
triplicate a written statement of the commissioner's findings, 63853
and, if the commissioner finds that there has been an overpayment, 63854
issue in triplicate a certificate of abatement payable to the 63855
taxpayer, the taxpayer's assigns, or legal representative which 63856
shows the amount of the overpayment and the kind of tax overpaid. 63857
One copy of such statement shall be entered on the journal of the 63858
commissioner, one shall be certified to the attorney general, and 63859
one certified copy shall be delivered to the taxpayer. All copies 63860
of the certificate of abatement shall be transmitted to the 63861
attorney general, and if the attorney general finds it to be 63862

correct the attorney general shall so certify on each copy, and 63863
deliver one copy to the taxpayer, one copy to the commissioner, 63864
and the third copy to the treasurer of state. Except as provided 63865
in section 5725.08 of the Revised Code, the taxpayer's copy of any 63866
certificates of abatement may be tendered by the payee or 63867
transferee thereof to the treasurer of state, or to the 63868
commissioner on behalf of the treasurer, as payment, to the extent 63869
of the amount thereof, of any tax payable to the treasurer of 63870
state. 63871

(C) Exercising the authority provided by law relative to 63872
consenting to the compromise and settlement of tax claims; 63873

(D) Exercising the authority provided by law relative to the 63874
use of alternative tax bases by taxpayers in the making of 63875
personal property tax returns; 63876

(E) Exercising the authority provided by law relative to 63877
authorizing the prepayment of taxes on retail sales of tangible 63878
personal property or on the storage, use, or consumption of 63879
personal property, and waiving the collection of such taxes from 63880
the consumers; 63881

(F) Exercising the authority provided by law to revoke 63882
licenses; 63883

(G) Maintaining a continuous study of the practical operation 63884
of all taxation and revenue laws of the state, the manner in which 63885
and extent to which such laws provide revenues for the support of 63886
the state and its political subdivisions, the probable effect upon 63887
such revenue of possible changes in existing laws, and the 63888
possible enactment of measures providing for other forms of 63889
taxation. For this purpose the commissioner may establish and 63890
maintain a division of research and statistics, and may appoint 63891
necessary employees who shall be in the unclassified civil 63892
service; the results of such study shall be available to the 63893

members of the general assembly and the public. 63894

(H) Making all tax assessments, valuations, findings, 63895
determinations, computations, and orders the department of 63896
taxation is by law authorized and required to make and, pursuant 63897
to time limitations provided by law, on the commissioner's own 63898
motion, reviewing, redetermining, or correcting any tax 63899
assessments, valuations, findings, determinations, computations, 63900
or orders the commissioner has made, but the commissioner shall 63901
not review, redetermine, or correct any tax assessment, valuation, 63902
finding, determination, computation, or order which the 63903
commissioner has made as to which an appeal or application for 63904
rehearing, review, redetermination, or correction has been filed 63905
with the board of tax appeals, unless such appeal or application 63906
is withdrawn by the appellant or applicant or dismissed; 63907

(I) Appointing not more than five deputy tax commissioners, 63908
who, under such regulations as the rules of the department of 63909
taxation prescribe, may act for the commissioner in the 63910
performance of such duties as the commissioner prescribes in the 63911
administration of the laws which the commissioner is authorized 63912
and required to administer, and who shall serve in the 63913
unclassified civil service at the pleasure of the commissioner, 63914
but if a person who holds a position in the classified service is 63915
appointed, it shall not affect the civil service status of such 63916
person. The commissioner may designate not more than two of the 63917
deputy commissioners to act as commissioner in case of the 63918
absence, disability, or recusal of the commissioner or vacancy in 63919
the office of commissioner. The commissioner may adopt rules 63920
relating to the order of precedence of such designated deputy 63921
commissioners and to their assumption and administration of the 63922
office of commissioner. 63923

(J) Appointing and prescribing the duties of all other 63924
employees of the department of taxation necessary in the 63925

performance of the work of the department which the tax commissioner is by law authorized and required to perform, and creating such divisions or sections of employees as, in the commissioner's judgment, is proper;

(K) Organizing the work of the department, which the commissioner is by law authorized and required to perform, so that, in the commissioner's judgment, an efficient and economical administration of the laws will result;

(L) Maintaining a journal, which is open to public inspection, in which the tax commissioner shall keep a record of all final determinations of the commissioner;

(M) Adopting and promulgating, in the manner provided by section 5703.14 of the Revised Code, all rules of the department, ~~including rules for the administration of sections 3517.16, 3517.17, and 5747.081 of the Revised Code;~~

(N) Destroying any or all returns or assessment certificates in the manner authorized by law;

(O) Adopting rules, in accordance with division (B) of section 325.31 of the Revised Code, governing the expenditure of moneys from the real estate assessment fund under that division;

(P) Informing taxpayers in a timely manner to resolve credit account balances as required by section 5703.77 of the Revised Code.

Sec. 5705.091. The board of county commissioners of each county shall establish a county developmental disabilities general fund. Notwithstanding section 5705.10 of the Revised Code, proceeds from levies under section 5705.222 and division (L) of section 5705.19 of the Revised Code shall be deposited to the credit of the county developmental disabilities general fund. Accounts shall be established within the county developmental

disabilities general fund for each of the several particular 63956
purposes of the levies as specified in the resolutions under which 63957
the levies were approved, and proceeds from different levies that 63958
were approved for the same particular purpose shall be credited to 63959
accounts for that purpose. Other money received by the county for 63960
the purposes of Chapters 3323. and 5126. of the Revised Code and 63961
not required by state or federal law to be deposited to the credit 63962
of a different fund shall also be deposited to the credit of the 63963
county developmental disabilities general fund, in an account 63964
appropriate to the particular purpose for which the money was 63965
received. Unless otherwise provided by law, an unexpended balance 63966
at the end of a fiscal year in any account in the county 63967
developmental disabilities general fund shall be appropriated the 63968
next fiscal year to the same fund. 63969

A county board of developmental disabilities may request, by 63970
resolution, that the board of county commissioners establish a 63971
county developmental disabilities capital fund for money to be 63972
used for acquisition, construction, or improvement of capital 63973
facilities or acquisition of capital equipment used in providing 63974
services to persons with developmental disabilities. The county 63975
board of developmental disabilities shall transmit a certified 63976
copy of the resolution to the board of county commissioners. Upon 63977
receiving the resolution, the board of county commissioners shall 63978
establish a county developmental disabilities capital fund. 63979

A county board of developmental disabilities may request, by 63980
resolution, that the board of county commissioners establish a 63981
county developmental disability medicaid reserve fund. On receipt 63982
of the resolution, the board of county commissioners shall 63983
establish a county developmental disability medicaid reserve fund. 63984
Funds needed for the county board of developmental disabilities to 63985
pay for extraordinary costs, including, but not limited to, costs 63986
for services to individuals with developmental disabilities, or to 63987

ensure the availability of adequate funds in the event a tax levy 63988
for services for individuals with developmental disabilities 63989
fails, may be deposited into the fund. The county board of 63990
developmental disabilities shall use money in the fund for such 63991
purposes as needed. 63992

Sec. 5705.322. In determining whether to reduce the taxing 63993
authority of a county under section 5705.32 of the Revised Code in 63994
connection with the balance of a county developmental disabilities 63995
general fund, the county budget commission shall take into 63996
consideration the five-year projection of revenues and 63997
expenditures prepared by the county board of developmental 63998
disabilities pursuant to section 5126.053 of the Revised Code. 63999

Before making such a determination, the commission shall hold 64000
a hearing solely on the question of whether to reduce the taxing 64001
authority of the county in connection with the balance of that 64002
fund. The commission shall publish notice of the hearing in a 64003
newspaper of general circulation in the county once a week for two 64004
consecutive weeks or as provided in section 7.16 of the Revised 64005
Code. The second publication shall be not less than ten nor more 64006
than thirty days before the date of the hearing, and the notice 64007
shall include the date, time, place, and subject of the hearing, 64008
and a statement that a determination to reduce the taxing 64009
authority of the county may result in a decrease in revenue 64010
available to the county board of developmental disabilities. 64011

Upon publishing the notice, the commission shall notify the 64012
board of county commissioners or board of developmental 64013
disabilities of the date, time, place, and subject of the hearing. 64014
Any board entitled to notice under this division may designate an 64015
officer or employee of such board to whom the commission shall 64016
deliver the notice. 64017

The commission shall permit representatives of the county 64018

that established the fund to appear at such hearing and explain 64019
the financial needs of the county board of developmental 64020
disabilities. 64021

Sec. 5709.17. The following property shall be exempted from 64022
taxation: 64023

(A) Real estate held or occupied by an association or 64024
corporation, organized or incorporated under the laws of this 64025
state relative to soldiers' memorial associations or monumental 64026
building associations and that, in the opinion of the trustees, 64027
directors, or managers thereof, is necessary and proper to carry 64028
out the object intended for such association or corporation; 64029

(B) Real estate and tangible personal property held or 64030
occupied by a qualifying veterans' organization and used primarily 64031
for meetings and administration of the qualifying veterans' 64032
organization or for providing, on a not-for-profit basis, programs 64033
and supportive services to past or present members of the armed 64034
forces of the United States and their families, except real estate 64035
held by such an organization for the production of rental income 64036
in excess of thirty-six thousand dollars in a tax year, before 64037
accounting for any cost or expense incurred in the production of 64038
such income. For the purposes of this division, rental income 64039
includes only income arising directly from renting the real estate 64040
to others for consideration, but does not include income arising 64041
from renting the real estate to a qualifying veterans' 64042
organization. 64043

As used in this division, "qualifying veterans' organization" 64044
means an organization that is incorporated under the laws of this 64045
state or the United States and that meets either of the following 64046
requirements: 64047

(1) The organization qualifies for exemption from taxation 64048
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 64049

Code. 64050

(2) The organization meets the criteria for exemption under 64051
section 501(c)(19) of the Internal Revenue Code and regulations 64052
adopted pursuant thereto, but is exempt from taxation under 64053
section 501(c)(4) of the Internal Revenue Code. 64054

(C) Tangible personal property held by a corporation 64055
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 64056
section 501(c)(3) of the Internal Revenue Code, and exempt from 64057
taxation under section 501(a) of the Internal Revenue Code shall 64058
be exempt from taxation if it is property obtained as described in 64059
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 64060

(D) Real estate held or occupied by a fraternal organization 64061
and used primarily for meetings of and the administration of the 64062
fraternal organization or for providing, on a not-for-profit 64063
basis, educational or health services, except real estate held by 64064
such an organization for the production of rental income in excess 64065
of thirty-six thousand dollars in a tax year before accounting for 64066
any cost or expense incurred in the production of such income. For 64067
the purposes of this division, rental income includes only income 64068
arising directly from renting the real estate to others for 64069
consideration, but does not include income arising from renting 64070
the real estate to any fraternal organization for use primarily 64071
for meetings of and the administration of such fraternal 64072
organization or for providing, on a not-for-profit basis, 64073
educational or health services. As used in this division, "~~rental~~ 64074
~~income~~" ~~has the same meaning as in division (B) of this section,~~ 64075
~~and~~ "fraternal organization" means a domestic fraternal society, 64076
order, or association operating under the lodge, council, or 64077
grange system that qualifies for exemption from taxation under 64078
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 64079
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 64080
that provides financial support for charitable purposes, as 64081

defined in division (B)(12) of section 5739.02 of the Revised Code; and that operates under a state governing body that has been operating in this state for at least eighty-five years.

Sec. 5713.08. (A) The county auditor shall make a list of all real and personal property in the auditor's county that is exempted from taxation. Such list shall show the name of the owner, the value of the property exempted, and a statement in brief form of the ground on which such exemption has been granted. It shall be corrected annually by adding thereto the items of property which have been exempted during the year, and by striking therefrom the items which in the opinion of the auditor have lost their right of exemption and which have been reentered on the taxable list, but no property shall be struck from the exempt property list solely because the property has been conveyed to a single member limited liability company with a nonprofit purpose from its nonprofit member or because the property has been conveyed by a single member limited liability company with a nonprofit purpose to its nonprofit member. No additions shall be made to such exempt lists and no additional items of property shall be exempted from taxation without the consent of the tax commissioner as is provided for in section 5715.27 of the Revised Code or without the consent of the housing officer under section 3735.67 of the Revised Code, except for property exempted by the auditor under that section, property owned by a community school and subject to the exemption authorized under division (A)(1) of section 5709.07 of the Revised Code for tax years after the tax year for which the commissioner grants an application under section 5715.27 of the Revised Code, as described in division (I) of that section, or qualifying agricultural real property, as defined in section 5709.28 of the Revised Code, that is enrolled in an agriculture security area that is exempt under that section.

The

The commissioner may revise at any time the list in every 64114
county so that no property is improperly or illegally exempted 64115
from taxation. The auditor shall follow the orders of the 64116
commissioner given under this section. An abstract of such list 64117
shall be filed annually with the commissioner, on a form approved 64118
by the commissioner, and a copy thereof shall be kept on file in 64119
the office of each auditor for public inspection. 64120

An application for exemption of property shall include a 64121
certificate executed by the county treasurer certifying one of the 64122
following: 64123

(1) That all taxes, interest, and penalties levied and 64124
assessed against the property sought to be exempted have been paid 64125
in full for all of the tax years preceding the tax year for which 64126
the application for exemption is filed, except for such taxes, 64127
interest, and penalties that may be remitted under division (C) of 64128
this section; 64129

(2) That the applicant has entered into a valid delinquent 64130
tax contract with the county treasurer pursuant to division (A) of 64131
section 323.31 of the Revised Code to pay all of the delinquent 64132
taxes, interest, and penalties charged against the property, 64133
except for such taxes, interest, and penalties that may be 64134
remitted under division (C) of this section. If the auditor 64135
receives notice under section 323.31 of the Revised Code that such 64136
a written delinquent tax contract has become void, the auditor 64137
shall strike such property from the list of exempted property and 64138
reenter such property on the taxable list. If property is removed 64139
from the exempt list because a written delinquent tax contract has 64140
become void, current taxes shall first be extended against that 64141
property on the general tax list and duplicate of real and public 64142
utility property for the tax year in which the auditor receives 64143
the notice required by division (A) of section 323.31 of the 64144
Revised Code that the delinquent tax contract has become void or, 64145

if that notice is not timely made, for the tax year in which falls 64146
the latest date by which the treasurer is required by such section 64147
to give such notice. A county auditor shall not remove from any 64148
tax list and duplicate the amount of any unpaid delinquent taxes, 64149
assessments, interest, or penalties owed on property that is 64150
placed on the exempt list pursuant to this division. 64151

(3) That a tax certificate has been issued under section 64152
5721.32 or 5721.33 of the Revised Code with respect to the 64153
property that is the subject of the application, and the tax 64154
certificate is outstanding. 64155

(B) If the treasurer's certificate is not included with the 64156
application or the certificate reflects unpaid taxes, penalties, 64157
and interest that may not be remitted, the tax commissioner or 64158
county auditor with whom the application was filed shall notify 64159
the property owner of that fact, and the applicant shall be given 64160
sixty days from the date that notification was mailed in which to 64161
provide the tax commissioner or county auditor with a corrected 64162
treasurer's certificate. If a corrected treasurer's certificate is 64163
not received within the time permitted, the tax commissioner or 64164
county auditor does not have authority to consider the tax 64165
exemption application. 64166

(C) Any taxes, interest, and penalties which have become a 64167
lien after the property was first used for the exempt purpose, but 64168
in no case prior to the date of acquisition of the title to the 64169
property by the applicant, may be remitted by the commissioner or 64170
county auditor, except as is provided in division (A) of section 64171
5713.081 of the Revised Code. 64172

(D) Real property acquired by the state in fee simple is 64173
exempt from taxation from the date of acquisition of title or date 64174
of possession, whichever is the earlier date, provided that all 64175
taxes, interest, and penalties as provided in the apportionment 64176
provisions of section 319.20 of the Revised Code have been paid to 64177

the date of acquisition of title or date of possession by the 64178
state, whichever is earlier. The proportionate amount of taxes 64179
that are a lien but not yet determined, assessed, and levied for 64180
the year in which the property is acquired, shall be remitted by 64181
the county auditor for the balance of the year from date of 64182
acquisition of title or date of possession, whichever is earlier. 64183
This section shall not be construed to authorize the exemption of 64184
such property from taxation or the remission of taxes, interest, 64185
and penalties thereon until all private use has terminated. 64186

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 64187
this section and in section 3735.67 of the Revised Code, the 64188
owner, a vendee in possession under a purchase agreement or a land 64189
contract, the beneficiary of a trust, or a lessee for an initial 64190
term of not less than thirty years of any property may file an 64191
application with the tax commissioner, on forms prescribed by the 64192
commissioner, requesting that such property be exempted from 64193
taxation and that taxes, interest, and penalties be remitted as 64194
provided in division (C) of section 5713.08 of the Revised Code. 64195

(2) If the property that is the subject of the application 64196
for exemption is any of the following, the application shall be 64197
filed with the county auditor of the county in which the property 64198
is listed for taxation: 64199

(a) A public road or highway; 64200

(b) Property belonging to the federal government of the 64201
United States; 64202

(c) Additions or other improvements to an existing building 64203
or structure that belongs to the state or a political subdivision, 64204
as defined in section 5713.081 of the Revised Code, and that is 64205
exempted from taxation as property used exclusively for a public 64206
purpose. 64207

(B) The board of education of any school district may request 64208
the tax commissioner or county auditor to provide it with 64209
notification of applications for exemption from taxation for 64210
property located within that district. If so requested, the 64211
commissioner or auditor shall send to the board on a monthly basis 64212
reports that contain sufficient information to enable the board to 64213
identify each property that is the subject of an exemption 64214
application, including, but not limited to, the name of the 64215
property owner or applicant, the address of the property, and the 64216
auditor's parcel number. The commissioner or auditor shall mail 64217
the reports by the fifteenth day of the month following the end of 64218
the month in which the commissioner or auditor receives the 64219
applications for exemption. 64220

(C) A board of education that has requested notification 64221
under division (B) of this section may, with respect to any 64222
application for exemption of property located in the district and 64223
included in the commissioner's or auditor's most recent report 64224
provided under that division, file a statement with the 64225
commissioner or auditor and with the applicant indicating its 64226
intent to submit evidence and participate in any hearing on the 64227
application. The statements shall be filed prior to the first day 64228
of the third month following the end of the month in which that 64229
application was docketed by the commissioner or auditor. A 64230
statement filed in compliance with this division entitles the 64231
district to submit evidence and to participate in any hearing on 64232
the property and makes the district a party for purposes of 64233
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 64234
the commissioner's or auditor's decision to the board of tax 64235
appeals. 64236

(D) The commissioner or auditor shall not hold a hearing on 64237
or grant or deny an application for exemption of property in a 64238
school district whose board of education has requested 64239

notification under division (B) of this section until the end of 64240
the period within which the board may submit a statement with 64241
respect to that application under division (C) of this section. 64242
The commissioner or auditor may act upon an application at any 64243
time prior to that date upon receipt of a written waiver from each 64244
such board of education, or, in the case of exemptions authorized 64245
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 64246
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 64247
of the Revised Code, upon the request of the property owner. 64248
Failure of a board of education to receive the report required in 64249
division (B) of this section shall not void an action of the 64250
commissioner or auditor with respect to any application. The 64251
commissioner or auditor may extend the time for filing a statement 64252
under division (C) of this section. 64253

(E) A complaint may also be filed with the commissioner or 64254
auditor by any person, board, or officer authorized by section 64255
5715.19 of the Revised Code to file complaints with the county 64256
board of revision against the continued exemption of any property 64257
granted exemption by the commissioner or auditor under this 64258
section. 64259

(F) An application for exemption and a complaint against 64260
exemption shall be filed prior to the thirty-first day of December 64261
of the tax year for which exemption is requested or for which the 64262
liability of the property to taxation in that year is requested. 64263
The commissioner or auditor shall consider such application or 64264
complaint in accordance with procedures established by the 64265
commissioner, determine whether the property is subject to 64266
taxation or exempt therefrom, and, if the commissioner makes the 64267
determination, certify the determination to the auditor. Upon 64268
making the determination or receiving the commissioner's 64269
determination, the auditor shall correct the tax list and 64270
duplicate accordingly. If a tax certificate has been sold under 64271

section 5721.32 or 5721.33 of the Revised Code with respect to 64272
property for which an exemption has been requested, the tax 64273
commissioner or auditor shall also certify the findings to the 64274
county treasurer of the county in which the property is located. 64275

(G) Applications and complaints, and documents of any kind 64276
related to applications and complaints, filed with the tax 64277
commissioner or county auditor under this section are public 64278
records within the meaning of section 149.43 of the Revised Code. 64279

(H) If the commissioner or auditor determines that the use of 64280
property or other facts relevant to the taxability of property 64281
that is the subject of an application for exemption or a complaint 64282
under this section has changed while the application or complaint 64283
was pending, the commissioner or auditor may make the 64284
determination under division (F) of this section separately for 64285
each tax year beginning with the year in which the application or 64286
complaint was filed or the year for which remission of taxes under 64287
division (C) of section 5713.08 of the Revised Code was requested, 64288
and including each subsequent tax year during which the 64289
application or complaint is pending before the commissioner or 64290
auditor. 64291

(I) If the tax commissioner grants an application filed by a 64292
community school under this section for the exemption authorized 64293
under division (A)(1) of section 5709.07 of the Revised Code, any 64294
property that is the subject of that application shall be exempt 64295
from property tax for each succeeding tax year regardless of 64296
whether the community school files an application under this 64297
section with respect to such property. The community school, on or 64298
before the thirty-first day of December of each such succeeding 64299
tax year, shall submit a statement to the commissioner attesting 64300
that the property that is the subject of that initial application 64301
qualifies for the exemption authorized under division (A)(1) of 64302
section 5709.07 of the Revised Code for that succeeding tax year. 64303

If the community school fails to file such a statement for a tax year or if the commissioner otherwise discovers that the property no longer qualifies for that exemption, the commissioner shall order the county auditor to return the property to the tax list.

Sec. 5726.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5726.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

(1) The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

(2) The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

(3) The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

(4) The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

(5) The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

(6) The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

(7) The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(8) The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall

not exceed the tax due after allowing for any other credit that 64333
precedes it in the order required under this section. Any excess 64334
amount of a particular credit may be carried forward if authorized 64335
under the section creating that credit. Nothing in this chapter 64336
shall be construed to allow a taxpayer to claim, directly or 64337
indirectly, a credit more than once for a taxable year. 64338

Sec. 5727.75. (A) For purposes of this section: 64339

(1) "Qualified energy project" means an energy project 64340
certified by the director of development services pursuant to this 64341
section. 64342

(2) "Energy project" means a project to provide electric 64343
power through the construction, installation, and use of an energy 64344
facility. 64345

(3) "Alternative energy zone" means a county declared as such 64346
by the board of county commissioners under division (E)(1)(b) or 64347
(c) of this section. 64348

(4) "Full-time equivalent employee" means the total number of 64349
employee-hours for which compensation was paid to individuals 64350
employed at a qualified energy project for services performed at 64351
the project during the calendar year divided by two thousand 64352
eighty hours. 64353

(5) "Solar energy project" means an energy project composed 64354
of an energy facility using solar panels to generate electricity. 64355

(6) "Internet identifier of record" has the same meaning as 64356
in section 9.312 of the Revised Code. 64357

(B)(1) Tangible personal property of a qualified energy 64358
project using renewable energy resources is exempt from taxation 64359
for tax years 2011 through ~~2021~~ 2023 if all of the following 64360
conditions are satisfied: 64361

(a) On or before December 31, ~~2020~~ 2022, the owner or a 64362

lessee pursuant to a sale and leaseback transaction of the project 64363
submits an application to the power siting board for a certificate 64364
under section 4906.20 of the Revised Code, or if that section does 64365
not apply, submits an application for any approval, consent, 64366
permit, or certificate or satisfies any condition required by a 64367
public agency or political subdivision of this state for the 64368
construction or initial operation of an energy project. 64369

(b) Construction or installation of the energy facility 64370
begins on or after January 1, 2009, and before January 1, ~~2021~~ 64371
2023. For the purposes of this division, construction begins on 64372
the earlier of the date of application for a certificate or other 64373
approval or permit described in division (B)(1)(a) of this 64374
section, or the date the contract for the construction or 64375
installation of the energy facility is entered into. 64376

(c) For a qualified energy project with a nameplate capacity 64377
of five megawatts or greater, a board of county commissioners of a 64378
county in which property of the project is located has adopted a 64379
resolution under division (E)(1)(b) or (c) of this section to 64380
approve the application submitted under division (E) of this 64381
section to exempt the property located in that county from 64382
taxation. A board's adoption of a resolution rejecting an 64383
application or its failure to adopt a resolution approving the 64384
application does not affect the tax-exempt status of the qualified 64385
energy project's property that is located in another county. 64386

(2) If tangible personal property of a qualified energy 64387
project using renewable energy resources was exempt from taxation 64388
under this section beginning in any of tax years 2011 through ~~2021~~ 64389
2023, and the certification under division (E)(2) of this section 64390
has not been revoked, the tangible personal property of the 64391
qualified energy project is exempt from taxation for tax year ~~2022~~ 64392
2024 and all ensuing tax years if the property was placed into 64393
service before January 1, ~~2022~~ 2024, as certified in the 64394

construction progress report required under division (F)(2) of 64395
this section. Tangible personal property that has not been placed 64396
into service before that date is taxable property subject to 64397
taxation. An energy project for which certification has been 64398
revoked is ineligible for further exemption under this section. 64399
Revocation does not affect the tax-exempt status of the project's 64400
tangible personal property for the tax year in which revocation 64401
occurs or any prior tax year. 64402

(C) Tangible personal property of a qualified energy project 64403
using clean coal technology, advanced nuclear technology, or 64404
cogeneration technology is exempt from taxation for the first tax 64405
year that the property would be listed for taxation and all 64406
subsequent years if all of the following circumstances are met: 64407

(1) The property was placed into service before January 1, 64408
2021. Tangible personal property that has not been placed into 64409
service before that date is taxable property subject to taxation. 64410

(2) For such a qualified energy project with a nameplate 64411
capacity of five megawatts or greater, a board of county 64412
commissioners of a county in which property of the qualified 64413
energy project is located has adopted a resolution under division 64414
(E)(1)(b) or (c) of this section to approve the application 64415
submitted under division (E) of this section to exempt the 64416
property located in that county from taxation. A board's adoption 64417
of a resolution rejecting the application or its failure to adopt 64418
a resolution approving the application does not affect the 64419
tax-exempt status of the qualified energy project's property that 64420
is located in another county. 64421

(3) The certification for the qualified energy project issued 64422
under division (E)(2) of this section has not been revoked. An 64423
energy project for which certification has been revoked is 64424
ineligible for exemption under this section. Revocation does not 64425
affect the tax-exempt status of the project's tangible personal 64426

property for the tax year in which revocation occurs or any prior 64427
tax year. 64428

(D) Except as otherwise provided in this section, real 64429
property of a qualified energy project is exempt from taxation for 64430
any tax year for which the tangible personal property of the 64431
qualified energy project is exempted under this section. 64432

(E)(1)(a) A person may apply to the director of development 64433
services for certification of an energy project as a qualified 64434
energy project on or before the following dates: 64435

(i) December 31, ~~2020~~ 2022, for an energy project using 64436
renewable energy resources; 64437

(ii) December 31, 2017, for an energy project using clean 64438
coal technology, advanced nuclear technology, or cogeneration 64439
technology. 64440

(b) The director shall forward a copy of each application for 64441
certification of an energy project with a nameplate capacity of 64442
five megawatts or greater to the board of county commissioners of 64443
each county in which the project is located and to each taxing 64444
unit with territory located in each of the affected counties. Any 64445
board that receives from the director a copy of an application 64446
submitted under this division shall adopt a resolution approving 64447
or rejecting the application unless it has adopted a resolution 64448
under division (E)(1)(c) of this section. A resolution adopted 64449
under division (E)(1)(b) or (c) of this section may require an 64450
annual service payment to be made in addition to the service 64451
payment required under division (G) of this section. The sum of 64452
the service payment required in the resolution and the service 64453
payment required under division (G) of this section shall not 64454
exceed nine thousand dollars per megawatt of nameplate capacity 64455
located in the county. The resolution shall specify the time and 64456
manner in which the payments required by the resolution shall be 64457

paid to the county treasurer. The county treasurer shall deposit 64458
the payment to the credit of the county's general fund to be used 64459
for any purpose for which money credited to that fund may be used. 64460

The board shall send copies of the resolution to the owner of 64461
the facility and the director by certified mail or, if the board 64462
has record of an internet identifier of record associated with the 64463
owner or director, by ordinary mail and by that internet 64464
identifier of record. The board shall send such notice within 64465
thirty days after receipt of the application, or a longer period 64466
of time if authorized by the director. 64467

(c) A board of county commissioners may adopt a resolution 64468
declaring the county to be an alternative energy zone and 64469
declaring all applications submitted to the director of 64470
development services under this division after the adoption of the 64471
resolution, and prior to its repeal, to be approved by the board. 64472

All tangible personal property and real property of an energy 64473
project with a nameplate capacity of five megawatts or greater is 64474
taxable if it is located in a county in which the board of county 64475
commissioners adopted a resolution rejecting the application 64476
submitted under this division or failed to adopt a resolution 64477
approving the application under division (E)(1)(b) or (c) of this 64478
section. 64479

(2) The director shall certify an energy project if all of 64480
the following circumstances exist: 64481

(a) The application was timely submitted. 64482

(b) For an energy project with a nameplate capacity of five 64483
megawatts or greater, a board of county commissioners of at least 64484
one county in which the project is located has adopted a 64485
resolution approving the application under division (E)(1)(b) or 64486
(c) of this section. 64487

(c) No portion of the project's facility was used to supply 64488

electricity before December 31, 2009. 64489

(3) The director shall deny a certification application if 64490
the director determines the person has failed to comply with any 64491
requirement under this section. The director may revoke a 64492
certification if the director determines the person, or subsequent 64493
owner or lessee pursuant to a sale and leaseback transaction of 64494
the qualified energy project, has failed to comply with any 64495
requirement under this section. Upon certification or revocation, 64496
the director shall notify the person, owner, or lessee, the tax 64497
commissioner, and the county auditor of a county in which the 64498
project is located of the certification or revocation. Notice 64499
shall be provided in a manner convenient to the director. 64500

(F) The owner or a lessee pursuant to a sale and leaseback 64501
transaction of a qualified energy project shall do each of the 64502
following: 64503

(1) Comply with all applicable regulations; 64504

(2) File with the director of development services a 64505
certified construction progress report before the first day of 64506
March of each year during the energy facility's construction or 64507
installation indicating the percentage of the project completed, 64508
and the project's nameplate capacity, as of the preceding 64509
thirty-first day of December. Unless otherwise instructed by the 64510
director of development services, the owner or lessee of an energy 64511
project shall file a report with the director on or before the 64512
first day of March each year after completion of the energy 64513
facility's construction or installation indicating the project's 64514
nameplate capacity as of the preceding thirty-first day of 64515
December. Not later than sixty days after June 17, 2010, the owner 64516
or lessee of an energy project, the construction of which was 64517
completed before June 17, 2010, shall file a certificate 64518
indicating the project's nameplate capacity. 64519

(3) File with the director of development services, in a 64520
manner prescribed by the director, a report of the total number of 64521
full-time equivalent employees, and the total number of full-time 64522
equivalent employees domiciled in Ohio, who are employed in the 64523
construction or installation of the energy facility; 64524

(4) For energy projects with a nameplate capacity of five 64525
megawatts or greater, repair all roads, bridges, and culverts 64526
affected by construction as reasonably required to restore them to 64527
their preconstruction condition, as determined by the county 64528
engineer in consultation with the local jurisdiction responsible 64529
for the roads, bridges, and culverts. In the event that the county 64530
engineer deems any road, bridge, or culvert to be inadequate to 64531
support the construction or decommissioning of the energy 64532
facility, the road, bridge, or culvert shall be rebuilt or 64533
reinforced to the specifications established by the county 64534
engineer prior to the construction or decommissioning of the 64535
facility. The owner or lessee of the facility shall post a bond in 64536
an amount established by the county engineer and to be held by the 64537
board of county commissioners to ensure funding for repairs of 64538
roads, bridges, and culverts affected during the construction. The 64539
bond shall be released by the board not later than one year after 64540
the date the repairs are completed. The energy facility owner or 64541
lessee pursuant to a sale and leaseback transaction shall post a 64542
bond, as may be required by the Ohio power siting board in the 64543
certificate authorizing commencement of construction issued 64544
pursuant to section 4906.10 of the Revised Code, to ensure funding 64545
for repairs to roads, bridges, and culverts resulting from 64546
decommissioning of the facility. The energy facility owner or 64547
lessee and the county engineer may enter into an agreement 64548
regarding specific transportation plans, reinforcements, 64549
modifications, use and repair of roads, financial security to be 64550
provided, and any other relevant issue. 64551

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess

of two megawatts, establish a relationship with a member of the 64584
university system of Ohio as defined in section 3345.011 of the 64585
Revised Code or with a person offering an apprenticeship program 64586
registered with the employment and training administration within 64587
the United States department of labor or with the apprenticeship 64588
council created by section 4139.02 of the Revised Code, to educate 64589
and train individuals for careers in the wind or solar energy 64590
industry. The relationship may include endowments, cooperative 64591
programs, internships, apprenticeships, research and development 64592
projects, and curriculum development. 64593

(8) Offer to sell power or renewable energy credits from the 64594
energy project to electric distribution utilities or electric 64595
service companies subject to renewable energy resource 64596
requirements under section 4928.64 of the Revised Code that have 64597
issued requests for proposal for such power or renewable energy 64598
credits. If no electric distribution utility or electric service 64599
company issues a request for proposal on or before December 31, 64600
2010, or accepts an offer for power or renewable energy credits 64601
within forty-five days after the offer is submitted, power or 64602
renewable energy credits from the energy project may be sold to 64603
other persons. Division (F)(8) of this section does not apply if: 64604

(a) The owner or lessee is a rural electric company or a 64605
municipal power agency as defined in section 3734.058 of the 64606
Revised Code. 64607

(b) The owner or lessee is a person that, before completion 64608
of the energy project, contracted for the sale of power or 64609
renewable energy credits with a rural electric company or a 64610
municipal power agency. 64611

(c) The owner or lessee contracts for the sale of power or 64612
renewable energy credits from the energy project before June 17, 64613
2010. 64614

(9) Make annual service payments as required by division (G) 64615
of this section and as may be required in a resolution adopted by 64616
a board of county commissioners under division (E) of this 64617
section. 64618

(G) The owner or a lessee pursuant to a sale and leaseback 64619
transaction of a qualified energy project shall make annual 64620
service payments in lieu of taxes to the county treasurer on or 64621
before the final dates for payments of taxes on public utility 64622
personal property on the real and public utility personal property 64623
tax list for each tax year for which property of the energy 64624
project is exempt from taxation under this section. The county 64625
treasurer shall allocate the payment on the basis of the project's 64626
physical location. Upon receipt of a payment, or if timely payment 64627
has not been received, the county treasurer shall certify such 64628
receipt or non-receipt to the director of development services and 64629
tax commissioner in a form determined by the director and 64630
commissioner, respectively. Each payment shall be in the following 64631
amount: 64632

(1) In the case of a solar energy project, seven thousand 64633
dollars per megawatt of nameplate capacity located in the county 64634
as of ~~the thirty-first-day of December 31, 2010, for tax year~~ 64635
~~2011, as of December 31, 2011, for tax year 2012, as of December~~ 64636
~~31, 2012, for tax year 2013, as of December 31, 2013, for tax year~~ 64637
~~2014, as of December 31, 2014, for tax year 2015, as of December~~ 64638
~~31, 2015, for tax year 2016, and as of December 31, 2016, for tax~~ 64639
~~year 2017 and each of the preceding tax year thereafter;~~ 64640

(2) In the case of any other energy project using renewable 64641
energy resources, the following: 64642

(a) If the project maintains during the construction or 64643
installation of the energy facility a ratio of Ohio-domiciled 64644
full-time equivalent employees to total full-time equivalent 64645
employees of not less than seventy-five per cent, six thousand 64646

dollars per megawatt of nameplate capacity located in the county 64647
as of the thirty-first day of December of the preceding tax year; 64648

(b) If the project maintains during the construction or 64649
installation of the energy facility a ratio of Ohio-domiciled 64650
full-time equivalent employees to total full-time equivalent 64651
employees of less than seventy-five per cent but not less than 64652
sixty per cent, seven thousand dollars per megawatt of nameplate 64653
capacity located in the county as of the thirty-first day of 64654
December of the preceding tax year; 64655

(c) If the project maintains during the construction or 64656
installation of the energy facility a ratio of Ohio-domiciled 64657
full-time equivalent employees to total full-time equivalent 64658
employees of less than sixty per cent but not less than fifty per 64659
cent, eight thousand dollars per megawatt of nameplate capacity 64660
located in the county as of the thirty-first day of December of 64661
the preceding tax year. 64662

(3) In the case of an energy project using clean coal 64663
technology, advanced nuclear technology, or cogeneration 64664
technology, the following: 64665

(a) If the project maintains during the construction or 64666
installation of the energy facility a ratio of Ohio-domiciled 64667
full-time equivalent employees to total full-time equivalent 64668
employees of not less than seventy-five per cent, six thousand 64669
dollars per megawatt of nameplate capacity located in the county 64670
as of the thirty-first day of December of the preceding tax year; 64671

(b) If the project maintains during the construction or 64672
installation of the energy facility a ratio of Ohio-domiciled 64673
full-time equivalent employees to total full-time equivalent 64674
employees of less than seventy-five per cent but not less than 64675
sixty per cent, seven thousand dollars per megawatt of nameplate 64676
capacity located in the county as of the thirty-first day of 64677

December of the preceding tax year; 64678

(c) If the project maintains during the construction or 64679
installation of the energy facility a ratio of Ohio-domiciled 64680
full-time equivalent employees to total full-time equivalent 64681
employees of less than sixty per cent but not less than fifty per 64682
cent, eight thousand dollars per megawatt of nameplate capacity 64683
located in the county as of the thirty-first day of December of 64684
the preceding tax year. 64685

(H) The director of development services in consultation with 64686
the tax commissioner shall adopt rules pursuant to Chapter 119. of 64687
the Revised Code to implement and enforce this section. 64688

Sec. 5733.98. (A) To provide a uniform procedure for 64689
calculating the amount of tax imposed by section 5733.06 of the 64690
Revised Code that is due under this chapter, a taxpayer shall 64691
claim any credits to which it is entitled in the following order, 64692
except as otherwise provided in section 5733.058 of the Revised 64693
Code: 64694

(1) For tax year 2005, the credit for taxes paid by a 64695
qualifying pass-through entity allowed under section 5733.0611 of 64696
the Revised Code; 64697

(2) The credit allowed for financial institutions under 64698
section 5733.45 of the Revised Code; 64699

(3) The credit for qualifying affiliated groups under section 64700
5733.068 of the Revised Code; 64701

(4) The subsidiary corporation credit under section 5733.067 64702
of the Revised Code; 64703

(5) The credit for recycling and litter prevention donations 64704
under section 5733.064 of the Revised Code; 64705

(6) The credit for employers that enter into agreements with 64706
child day-care centers under section 5733.36 of the Revised Code; 64707

(7) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	64708 64709
(8) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	64710 64711
(9) The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	64712 64713
(10) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	64714 64715
(11) The job training credit under section 5733.42 of the Revised Code;	64716 64717
(12) The credit for qualified research expenses under section 5733.351 of the Revised Code;	64718 64719
(13) The enterprise zone credit under section 5709.66 of the Revised Code;	64720 64721
(14) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	64722 64723
(15) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	64724 64725
(16) The ethanol plant investment credit under section 5733.46 of the Revised Code;	64726 64727
(17) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	64728 64729
(18) The export sales credit under section 5733.069 of the Revised Code;	64730 64731
(19) The enterprise zone credits under section 5709.65 of the Revised Code;	64732 64733
(20) The credit for using Ohio coal under section 5733.39 of the Revised Code;	64734 64735
(21) The credit for purchases of qualified low-income	64736

community investments under section 5733.58 of the Revised Code;	64737
(22) The credit for small telephone companies under section 5733.57 of the Revised Code;	64738 64739
(23) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	64740 64741
(24) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	64742 64743 64744
(25) The research and development credit under section 5733.352 of the Revised Code;	64745 64746
(26) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	64747 64748 64749
(27) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	64750 64751
(28) The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	64752 64753 64754
(29) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	64755 64756
(30) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	64757 64758 64759
(31) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	64760 64761 64762
(32) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5733.59 of the Revised Code.	64763 64764
(B) For any credit except the refundable credits enumerated	64765

in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or

distribution system for the delivery of a public utility service;	64796
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	64797 64798
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	64799 64800 64801
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.	64802 64803 64804 64805 64806 64807 64808 64809 64810 64811 64812 64813 64814 64815 64816 64817
(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;	64818 64819 64820 64821
(g) Landscaping and lawn care service is or is to be provided;	64822 64823
(h) Private investigation and security service is or is to be provided;	64824 64825
(i) Information services or tangible personal property is	64826

provided or ordered by means of a nine hundred telephone call; 64827

(j) Building maintenance and janitorial service is or is to 64828
be provided; 64829

(k) Employment service is or is to be provided; 64830

(l) Employment placement service is or is to be provided; 64831

(m) Exterminating service is or is to be provided; 64832

(n) Physical fitness facility service is or is to be 64833
provided; 64834

(o) Recreation and sports club service is or is to be 64835
provided; 64836

(p) On and after August 1, 2003, satellite broadcasting 64837
service is or is to be provided; 64838

(q) On and after August 1, 2003, personal care service is or 64839
is to be provided to an individual. As used in this division, 64840
"personal care service" includes skin care, the application of 64841
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 64842
piercing, tanning, massage, and other similar services. "Personal 64843
care service" does not include a service provided by or on the 64844
order of a licensed physician or licensed chiropractor, or the 64845
cutting, coloring, or styling of an individual's hair. 64846

(r) On and after August 1, 2003, the transportation of 64847
persons by motor vehicle or aircraft is or is to be provided, when 64848
the transportation is entirely within this state, except for 64849
transportation provided by an ambulance service, by a transit bus, 64850
as defined in section 5735.01 of the Revised Code, and 64851
transportation provided by a citizen of the United States holding 64852
a certificate of public convenience and necessity issued under 49 64853
U.S.C. 41102; 64854

(s) On and after August 1, 2003, motor vehicle towing service 64855
is or is to be provided. As used in this division, "motor vehicle 64856

towing service" means the towing or conveyance of a wrecked, 64857
disabled, or illegally parked motor vehicle. 64858

(t) On and after August 1, 2003, snow removal service is or 64859
is to be provided. As used in this division, "snow removal 64860
service" means the removal of snow by any mechanized means, but 64861
does not include the providing of such service by a person that 64862
has less than five thousand dollars in sales of such service 64863
during the calendar year. 64864

(u) Electronic publishing service is or is to be provided to 64865
a consumer for use in business, except that such transactions 64866
occurring between members of an affiliated group, as defined in 64867
division (B)(3)(e) of this section, are not sales. 64868

(4) All transactions by which printed, imprinted, 64869
overprinted, lithographic, multilithic, blueprinted, photostatic, 64870
or other productions or reproductions of written or graphic matter 64871
are or are to be furnished or transferred; 64872

(5) The production or fabrication of tangible personal 64873
property for a consideration for consumers who furnish either 64874
directly or indirectly the materials used in the production of 64875
fabrication work; and include the furnishing, preparing, or 64876
serving for a consideration of any tangible personal property 64877
consumed on the premises of the person furnishing, preparing, or 64878
serving such tangible personal property. Except as provided in 64879
section 5739.03 of the Revised Code, a construction contract 64880
pursuant to which tangible personal property is or is to be 64881
incorporated into a structure or improvement on and becoming a 64882
part of real property is not a sale of such tangible personal 64883
property. The construction contractor is the consumer of such 64884
tangible personal property, provided that the sale and 64885
installation of carpeting, the sale and installation of 64886
agricultural land tile, the sale and erection or installation of 64887
portable grain bins, or the provision of landscaping and lawn care 64888

service and the transfer of property as part of such service is 64889
never a construction contract. 64890

As used in division (B)(5) of this section: 64891

(a) "Agricultural land tile" means fired clay or concrete 64892
tile, or flexible or rigid perforated plastic pipe or tubing, 64893
incorporated or to be incorporated into a subsurface drainage 64894
system appurtenant to land used or to be used primarily in 64895
production by farming, agriculture, horticulture, or floriculture. 64896
The term does not include such materials when they are or are to 64897
be incorporated into a drainage system appurtenant to a building 64898
or structure even if the building or structure is used or to be 64899
used in such production. 64900

(b) "Portable grain bin" means a structure that is used or to 64901
be used by a person engaged in farming or agriculture to shelter 64902
the person's grain and that is designed to be disassembled without 64903
significant damage to its component parts. 64904

(6) All transactions in which all of the shares of stock of a 64905
closely held corporation are transferred, or an ownership interest 64906
in a pass-through entity, as defined in section 5733.04 of the 64907
Revised Code, is transferred, if the corporation or pass-through 64908
entity is not engaging in business and its entire assets consist 64909
of boats, planes, motor vehicles, or other tangible personal 64910
property operated primarily for the use and enjoyment of the 64911
shareholders or owners; 64912

(7) All transactions in which a warranty, maintenance or 64913
service contract, or similar agreement by which the vendor of the 64914
warranty, contract, or agreement agrees to repair or maintain the 64915
tangible personal property of the consumer is or is to be 64916
provided; 64917

(8) The transfer of copyrighted motion picture films used 64918
solely for advertising purposes, except that the transfer of such 64919

films for exhibition purposes is not a sale; 64920

(9) On and after August 1, 2003, all transactions by which 64921
tangible personal property is or is to be stored, except such 64922
property that the consumer of the storage holds for sale in the 64923
regular course of business; 64924

(10) All transactions in which "guaranteed auto protection" 64925
is provided whereby a person promises to pay to the consumer the 64926
difference between the amount the consumer receives from motor 64927
vehicle insurance and the amount the consumer owes to a person 64928
holding title to or a lien on the consumer's motor vehicle in the 64929
event the consumer's motor vehicle suffers a total loss under the 64930
terms of the motor vehicle insurance policy or is stolen and not 64931
recovered, if the protection and its price are included in the 64932
purchase or lease agreement; 64933

(11)(a) Except as provided in division (B)(11)(b) of this 64934
section, on and after October 1, 2009, all transactions by which 64935
health care services are paid for, reimbursed, provided, 64936
delivered, arranged for, or otherwise made available by a medicaid 64937
health insuring corporation pursuant to the corporation's contract 64938
with the state. 64939

(b) If the centers for medicare and medicaid services of the 64940
United States department of health and human services determines 64941
that the taxation of transactions described in division (B)(11)(a) 64942
of this section constitutes an impermissible health care-related 64943
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 64944
1396b(w), and regulations adopted thereunder, the medicaid 64945
director shall notify the tax commissioner of that determination. 64946
Beginning with the first day of the month following that 64947
notification, the transactions described in division (B)(11)(a) of 64948
this section are not sales for the purposes of this chapter or 64949
Chapter 5741. of the Revised Code. The tax commissioner shall 64950
order that the collection of taxes under sections 5739.02, 64951

5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 64952
5741.023 of the Revised Code shall cease for transactions 64953
occurring on or after that date. 64954

(12) All transactions by which a specified digital product is 64955
provided for permanent use or less than permanent use, regardless 64956
of whether continued payment is required. 64957

Except as provided in this section, "sale" and "selling" do 64958
not include transfers of interest in leased property where the 64959
original lessee and the terms of the original lease agreement 64960
remain unchanged, or professional, insurance, or personal service 64961
transactions that involve the transfer of tangible personal 64962
property as an inconsequential element, for which no separate 64963
charges are made. 64964

(C) "Vendor" means the person providing the service or by 64965
whom the transfer effected or license given by a sale is or is to 64966
be made or given and, for sales described in division (B)(3)(i) of 64967
this section, the telecommunications service vendor that provides 64968
the nine hundred telephone service; if two or more persons are 64969
engaged in business at the same place of business under a single 64970
trade name in which all collections on account of sales by each 64971
are made, such persons shall constitute a single vendor. 64972

Physicians, dentists, hospitals, and veterinarians who are 64973
engaged in selling tangible personal property as received from 64974
others, such as eyeglasses, mouthwashes, dentifrices, or similar 64975
articles, are vendors. Veterinarians who are engaged in 64976
transferring to others for a consideration drugs, the dispensing 64977
of which does not require an order of a licensed veterinarian or 64978
physician under federal law, are vendors. 64979

The operator of any technology platform that connects a 64980
consumer with another person who is providing a service subject to 64981
the tax levied under this chapter, including a transportation 64982

network company operating a technology platform for the purpose of 64983
providing transportation network company services, shall be 64984
considered to be the vendor in such transaction, regardless of 64985
whether that other person is an agent of the operator. 64986

(D)(1) "Consumer" means the person for whom the service is 64987
provided, to whom the transfer effected or license given by a sale 64988
is or is to be made or given, to whom the service described in 64989
division (B)(3)(f) or (i) of this section is charged, or to whom 64990
the admission is granted. 64991

(2) Physicians, dentists, hospitals, and blood banks operated 64992
by nonprofit institutions and persons licensed to practice 64993
veterinary medicine, surgery, and dentistry are consumers of all 64994
tangible personal property and services purchased by them in 64995
connection with the practice of medicine, dentistry, the rendition 64996
of hospital or blood bank service, or the practice of veterinary 64997
medicine, surgery, and dentistry. In addition to being consumers 64998
of drugs administered by them or by their assistants according to 64999
their direction, veterinarians also are consumers of drugs that 65000
under federal law may be dispensed only by or upon the order of a 65001
licensed veterinarian or physician, when transferred by them to 65002
others for a consideration to provide treatment to animals as 65003
directed by the veterinarian. 65004

(3) A person who performs a facility management, or similar 65005
service contract for a contractee is a consumer of all tangible 65006
personal property and services purchased for use in connection 65007
with the performance of such contract, regardless of whether title 65008
to any such property vests in the contractee. The purchase of such 65009
property and services is not subject to the exception for resale 65010
under division (E) of this section. 65011

(4)(a) In the case of a person who purchases printed matter 65012
for the purpose of distributing it or having it distributed to the 65013
public or to a designated segment of the public, free of charge, 65014

that person is the consumer of that printed matter, and the 65015
purchase of that printed matter for that purpose is a sale. 65016

(b) In the case of a person who produces, rather than 65017
purchases, printed matter for the purpose of distributing it or 65018
having it distributed to the public or to a designated segment of 65019
the public, free of charge, that person is the consumer of all 65020
tangible personal property and services purchased for use or 65021
consumption in the production of that printed matter. That person 65022
is not entitled to claim exemption under division (B)(42)(f) of 65023
section 5739.02 of the Revised Code for any material incorporated 65024
into the printed matter or any equipment, supplies, or services 65025
primarily used to produce the printed matter. 65026

(c) The distribution of printed matter to the public or to a 65027
designated segment of the public, free of charge, is not a sale to 65028
the members of the public to whom the printed matter is 65029
distributed or to any persons who purchase space in the printed 65030
matter for advertising or other purposes. 65031

(5) A person who makes sales of any of the services listed in 65032
division (B)(3) of this section is the consumer of any tangible 65033
personal property used in performing the service. The purchase of 65034
that property is not subject to the resale exception under 65035
division (E) of this section. 65036

(6) A person who engages in highway transportation for hire 65037
is the consumer of all packaging materials purchased by that 65038
person and used in performing the service, except for packaging 65039
materials sold by such person in a transaction separate from the 65040
service. 65041

(7) In the case of a transaction for health care services 65042
under division (B)(11) of this section, a medicaid health insuring 65043
corporation is the consumer of such services. The purchase of such 65044
services by a medicaid health insuring corporation is not subject 65045

to the exception for resale under division (E) of this section or 65046
to the exemptions provided under divisions (B)(12), (18), (19), 65047
and (22) of section 5739.02 of the Revised Code. 65048

(E) "Retail sale" and "sales at retail" include all sales, 65049
except those in which the purpose of the consumer is to resell the 65050
thing transferred or benefit of the service provided, by a person 65051
engaging in business, in the form in which the same is, or is to 65052
be, received by the person. 65053

(F) "Business" includes any activity engaged in by any person 65054
with the object of gain, benefit, or advantage, either direct or 65055
indirect. "Business" does not include the activity of a person in 65056
managing and investing the person's own funds. 65057

(G) "Engaging in business" means commencing, conducting, or 65058
continuing in business, and liquidating a business when the 65059
liquidator thereof holds itself out to the public as conducting 65060
such business. Making a casual sale is not engaging in business. 65061

(H)(1)(a) "Price," except as provided in divisions (H)(2), 65062
(3), and (4) of this section, means the total amount of 65063
consideration, including cash, credit, property, and services, for 65064
which tangible personal property or services are sold, leased, or 65065
rented, valued in money, whether received in money or otherwise, 65066
without any deduction for any of the following: 65067

(i) The vendor's cost of the property sold; 65068

(ii) The cost of materials used, labor or service costs, 65069
interest, losses, all costs of transportation to the vendor, all 65070
taxes imposed on the vendor, including the tax imposed under 65071
Chapter 5751. of the Revised Code, and any other expense of the 65072
vendor; 65073

(iii) Charges by the vendor for any services necessary to 65074
complete the sale; 65075

(iv) On and after August 1, 2003, delivery charges. As used 65076
in this division, "delivery charges" means charges by the vendor 65077
for preparation and delivery to a location designated by the 65078
consumer of tangible personal property or a service, including 65079
transportation, shipping, postage, handling, crating, and packing. 65080

(v) Installation charges; 65081

(vi) Credit for any trade-in. 65082

(b) "Price" includes consideration received by the vendor 65083
from a third party, if the vendor actually receives the 65084
consideration from a party other than the consumer, and the 65085
consideration is directly related to a price reduction or discount 65086
on the sale; the vendor has an obligation to pass the price 65087
reduction or discount through to the consumer; the amount of the 65088
consideration attributable to the sale is fixed and determinable 65089
by the vendor at the time of the sale of the item to the consumer; 65090
and one of the following criteria is met: 65091

(i) The consumer presents a coupon, certificate, or other 65092
document to the vendor to claim a price reduction or discount 65093
where the coupon, certificate, or document is authorized, 65094
distributed, or granted by a third party with the understanding 65095
that the third party will reimburse any vendor to whom the coupon, 65096
certificate, or document is presented; 65097

(ii) The consumer identifies the consumer's self to the 65098
seller as a member of a group or organization entitled to a price 65099
reduction or discount. A preferred customer card that is available 65100
to any patron does not constitute membership in such a group or 65101
organization. 65102

(iii) The price reduction or discount is identified as a 65103
third party price reduction or discount on the invoice received by 65104
the consumer, or on a coupon, certificate, or other document 65105
presented by the consumer. 65106

(c) "Price" does not include any of the following:	65107
(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;	65108 65109 65110
(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;	65111 65112 65113 65114
(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.	65115 65116 65117 65118 65119 65120
(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.	65121 65122 65123 65124
(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.	65125 65126 65127 65128 65129 65130 65131 65132 65133 65134 65135
(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised	65136 65137

Code, in which another motor vehicle is accepted by the dealer as 65138
part of the consideration received, "price" has the same meaning 65139
as in division (H)(1) of this section, reduced by the credit 65140
afforded the consumer by the dealer for the motor vehicle received 65141
in trade. 65142

(3) In the case of a sale of any watercraft or outboard motor 65143
by a watercraft dealer licensed in accordance with section 65144
1547.543 of the Revised Code, in which another watercraft, 65145
watercraft and trailer, or outboard motor is accepted by the 65146
dealer as part of the consideration received, "price" has the same 65147
meaning as in division (H)(1) of this section, reduced by the 65148
credit afforded the consumer by the dealer for the watercraft, 65149
watercraft and trailer, or outboard motor received in trade. As 65150
used in this division, "watercraft" includes an outdrive unit 65151
attached to the watercraft. 65152

(4) In the case of transactions for health care services 65153
under division (B)(11) of this section, "price" means the amount 65154
of managed care premiums received each month by a medicaid health 65155
insuring corporation. 65156

(I) "Receipts" means the total amount of the prices of the 65157
sales of vendors, provided that the dollar value of gift cards 65158
distributed pursuant to an awards, loyalty, or promotional 65159
program, and cash discounts allowed and taken on sales at the time 65160
they are consummated are not included, minus any amount deducted 65161
as a bad debt pursuant to section 5739.121 of the Revised Code. 65162
"Receipts" does not include the sale price of property returned or 65163
services rejected by consumers when the full sale price and tax 65164
are refunded either in cash or by credit. 65165

(J) "Place of business" means any location at which a person 65166
engages in business. 65167

(K) "Premises" includes any real property or portion thereof 65168

upon which any person engages in selling tangible personal 65169
property at retail or making retail sales and also includes any 65170
real property or portion thereof designated for, or devoted to, 65171
use in conjunction with the business engaged in by such person. 65172

(L) "Casual sale" means a sale of an item of tangible 65173
personal property that was obtained by the person making the sale, 65174
through purchase or otherwise, for the person's own use and was 65175
previously subject to any state's taxing jurisdiction on its sale 65176
or use, and includes such items acquired for the seller's use that 65177
are sold by an auctioneer employed directly by the person for such 65178
purpose, provided the location of such sales is not the 65179
auctioneer's permanent place of business. As used in this 65180
division, "permanent place of business" includes any location 65181
where such auctioneer has conducted more than two auctions during 65182
the year. 65183

(M) "Hotel" means every establishment kept, used, maintained, 65184
advertised, or held out to the public to be a place where sleeping 65185
accommodations are offered to guests, in which five or more rooms 65186
are used for the accommodation of such guests, whether the rooms 65187
are in one or several structures, except as otherwise provided in 65188
division (G) of section 5739.09 of the Revised Code. 65189

(N) "Transient guests" means persons occupying a room or 65190
rooms for sleeping accommodations for less than thirty consecutive 65191
days. 65192

(O) "Making retail sales" means the effecting of transactions 65193
wherein one party is obligated to pay the price and the other 65194
party is obligated to provide a service or to transfer title to or 65195
possession of the item sold. "Making retail sales" does not 65196
include the preliminary acts of promoting or soliciting the retail 65197
sales, other than the distribution of printed matter which 65198
displays or describes and prices the item offered for sale, nor 65199
does it include delivery of a predetermined quantity of tangible 65200

personal property or transportation of property or personnel to or 65201
from a place where a service is performed. 65202

(P) "Used directly in the rendition of a public utility 65203
service" means that property that is to be incorporated into and 65204
will become a part of the consumer's production, transmission, 65205
transportation, or distribution system and that retains its 65206
classification as tangible personal property after such 65207
incorporation; fuel or power used in the production, transmission, 65208
transportation, or distribution system; and tangible personal 65209
property used in the repair and maintenance of the production, 65210
transmission, transportation, or distribution system, including 65211
only such motor vehicles as are specially designed and equipped 65212
for such use. Tangible personal property and services used 65213
primarily in providing highway transportation for hire are not 65214
used directly in the rendition of a public utility service. In 65215
this definition, "public utility" includes a citizen of the United 65216
States holding, and required to hold, a certificate of public 65217
convenience and necessity issued under 49 U.S.C. 41102. 65218

(Q) "Refining" means removing or separating a desirable 65219
product from raw or contaminated materials by distillation or 65220
physical, mechanical, or chemical processes. 65221

(R) "Assembly" and "assembling" mean attaching or fitting 65222
together parts to form a product, but do not include packaging a 65223
product. 65224

(S) "Manufacturing operation" means a process in which 65225
materials are changed, converted, or transformed into a different 65226
state or form from which they previously existed and includes 65227
refining materials, assembling parts, and preparing raw materials 65228
and parts by mixing, measuring, blending, or otherwise committing 65229
such materials or parts to the manufacturing process. 65230
"Manufacturing operation" does not include packaging. 65231

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 65263
together with verification thereof, or providing access to 65264
computer equipment for the purpose of processing data. 65265

(b) "Computer services" means providing services consisting 65266
of specifying computer hardware configurations and evaluating 65267
technical processing characteristics, computer programming, and 65268
training of computer programmers and operators, provided in 65269
conjunction with and to support the sale, lease, or operation of 65270
taxable computer equipment or systems. 65271

(c) "Electronic information services" means providing access 65272
to computer equipment by means of telecommunications equipment for 65273
the purpose of either of the following: 65274

(i) Examining or acquiring data stored in or accessible to 65275
the computer equipment; 65276

(ii) Placing data into the computer equipment to be retrieved 65277
by designated recipients with access to the computer equipment. 65278

For transactions occurring on or after the effective date of 65279
the amendment of this section by H.B. 157 of the 127th general 65280
assembly, December 21, 2007, "electronic information services" 65281
does not include electronic publishing ~~as defined in division~~ 65282
~~(LLL) of this section.~~ 65283

(d) "Automatic data processing, computer services, or 65284
electronic information services" shall not include personal or 65285
professional services. 65286

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 65287
section, "personal and professional services" means all services 65288
other than automatic data processing, computer services, or 65289
electronic information services, including but not limited to: 65290

(a) Accounting and legal services such as advice on tax 65291
matters, asset management, budgetary matters, quality control, 65292

information security, and auditing and any other situation where	65293
the service provider receives data or information and studies,	65294
alters, analyzes, interprets, or adjusts such material;	65295
(b) Analyzing business policies and procedures;	65296
(c) Identifying management information needs;	65297
(d) Feasibility studies, including economic and technical	65298
analysis of existing or potential computer hardware or software	65299
needs and alternatives;	65300
(e) Designing policies, procedures, and custom software for	65301
collecting business information, and determining how data should	65302
be summarized, sequenced, formatted, processed, controlled, and	65303
reported so that it will be meaningful to management;	65304
(f) Developing policies and procedures that document how	65305
business events and transactions are to be authorized, executed,	65306
and controlled;	65307
(g) Testing of business procedures;	65308
(h) Training personnel in business procedure applications;	65309
(i) Providing credit information to users of such information	65310
by a consumer reporting agency, as defined in the "Fair Credit	65311
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	65312
as hereafter amended, including but not limited to gathering,	65313
organizing, analyzing, recording, and furnishing such information	65314
by any oral, written, graphic, or electronic medium;	65315
(j) Providing debt collection services by any oral, written,	65316
graphic, or electronic means;	65317
(k) Providing digital advertising services.	65318
The services listed in divisions (Y)(2)(a) to (k) of this	65319
section are not automatic data processing or computer services.	65320
(Z) "Highway transportation for hire" means the	65321

transportation of personal property belonging to others for 65322
consideration by any of the following: 65323

(1) The holder of a permit or certificate issued by this 65324
state or the United States authorizing the holder to engage in 65325
transportation of personal property belonging to others for 65326
consideration over or on highways, roadways, streets, or any 65327
similar public thoroughfare; 65328

(2) A person who engages in the transportation of personal 65329
property belonging to others for consideration over or on 65330
highways, roadways, streets, or any similar public thoroughfare 65331
but who could not have engaged in such transportation on December 65332
11, 1985, unless the person was the holder of a permit or 65333
certificate of the types described in division (Z)(1) of this 65334
section; 65335

(3) A person who leases a motor vehicle to and operates it 65336
for a person described by division (Z)(1) or (2) of this section. 65337

(AA)(1) "Telecommunications service" means the electronic 65338
transmission, conveyance, or routing of voice, data, audio, video, 65339
or any other information or signals to a point, or between or 65340
among points. "Telecommunications service" includes such 65341
transmission, conveyance, or routing in which computer processing 65342
applications are used to act on the form, code, or protocol of the 65343
content for purposes of transmission, conveyance, or routing 65344
without regard to whether the service is referred to as voice-over 65345
internet protocol service or is classified by the federal 65346
communications commission as enhanced or value-added. 65347
"Telecommunications service" does not include any of the 65348
following: 65349

(a) Data processing and information services that allow data 65350
to be generated, acquired, stored, processed, or retrieved and 65351
delivered by an electronic transmission to a consumer where the 65352

consumer's primary purpose for the underlying transaction is the
processed data or information;

(b) Installation or maintenance of wiring or equipment on a
customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third
parties;

(f) Internet access service;

(g) Radio and television audio and video programming
services, regardless of the medium, including the furnishing of
transmission, conveyance, and routing of such services by the
programming service provider. Radio and television audio and video
programming services include, but are not limited to, cable
service, as defined in 47 U.S.C. 522(6), and audio and video
programming services delivered by commercial mobile radio service
providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including
software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated
with or incidental to the provision of telecommunications service,
including conference bridging service, detailed telecommunications
billing service, directory assistance, vertical service, and voice
mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service
that links two or more participants of an audio or video
conference call, including providing a telephone number.
"Conference bridging service" does not include telecommunications
services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a

telecommunications service that provides the right to utilize 65414
mobile telecommunications service as well as other 65415
non-telecommunications services, including the download of digital 65416
products delivered electronically, and content and ancillary 65417
services, that must be paid for in advance and that is sold in 65418
predetermined units or dollars of which the number declines with 65419
use in a known amount. 65420

(6) "Value-added non-voice data service" means a 65421
telecommunications service in which computer processing 65422
applications are used to act on the form, content, code, or 65423
protocol of the information or data primarily for a purpose other 65424
than transmission, conveyance, or routing. 65425

(7) "Coin-operated telephone service" means a 65426
telecommunications service paid for by inserting money into a 65427
telephone accepting direct deposits of money to operate. 65428

(8) "Customer" has the same meaning as in section 5739.034 of 65429
the Revised Code. 65430

(BB) "Laundry and dry cleaning services" means removing soil 65431
or dirt from towels, linens, articles of clothing, or other fabric 65432
items that belong to others and supplying towels, linens, articles 65433
of clothing, or other fabric items. "Laundry and dry cleaning 65434
services" does not include the provision of self-service 65435
facilities for use by consumers to remove soil or dirt from 65436
towels, linens, articles of clothing, or other fabric items. 65437

(CC) "Magazines distributed as controlled circulation 65438
publications" means magazines containing at least twenty-four 65439
pages, at least twenty-five per cent editorial content, issued at 65440
regular intervals four or more times a year, and circulated 65441
without charge to the recipient, provided that such magazines are 65442
not owned or controlled by individuals or business concerns which 65443
conduct such publications as an auxiliary to, and essentially for 65444

the advancement of the main business or calling of, those who own 65445
or control them. 65446

(DD) "Landscaping and lawn care service" means the services 65447
of planting, seeding, sodding, removing, cutting, trimming, 65448
pruning, mulching, aerating, applying chemicals, watering, 65449
fertilizing, and providing similar services to establish, promote, 65450
or control the growth of trees, shrubs, flowers, grass, ground 65451
cover, and other flora, or otherwise maintaining a lawn or 65452
landscape grown or maintained by the owner for ornamentation or 65453
other nonagricultural purpose. However, "landscaping and lawn care 65454
service" does not include the providing of such services by a 65455
person who has less than five thousand dollars in sales of such 65456
services during the calendar year. 65457

(EE) "Private investigation and security service" means the 65458
performance of any activity for which the provider of such service 65459
is required to be licensed pursuant to Chapter 4749. of the 65460
Revised Code, or would be required to be so licensed in performing 65461
such services in this state, and also includes the services of 65462
conducting polygraph examinations and of monitoring or overseeing 65463
the activities on or in, or the condition of, the consumer's home, 65464
business, or other facility by means of electronic or similar 65465
monitoring devices. "Private investigation and security service" 65466
does not include special duty services provided by off-duty police 65467
officers, deputy sheriffs, and other peace officers regularly 65468
employed by the state or a political subdivision. 65469

(FF) "Information services" means providing conversation, 65470
giving consultation or advice, playing or making a voice or other 65471
recording, making or keeping a record of the number of callers, 65472
and any other service provided to a consumer by means of a nine 65473
hundred telephone call, except when the nine hundred telephone 65474
call is the means by which the consumer makes a contribution to a 65475
recognized charity. 65476

(GG) "Research and development" means designing, creating, or 65477
formulating new or enhanced products, equipment, or manufacturing 65478
processes, and also means conducting scientific or technological 65479
inquiry and experimentation in the physical sciences with the goal 65480
of increasing scientific knowledge which may reveal the bases for 65481
new or enhanced products, equipment, or manufacturing processes. 65482

(HH) "Qualified research and development equipment" means 65483
capitalized tangible personal property, and leased personal 65484
property that would be capitalized if purchased, used by a person 65485
primarily to perform research and development. Tangible personal 65486
property primarily used in testing, as defined in division (A)(4) 65487
of section 5739.011 of the Revised Code, or used for recording or 65488
storing test results, is not qualified research and development 65489
equipment unless such property is primarily used by the consumer 65490
in testing the product, equipment, or manufacturing process being 65491
created, designed, or formulated by the consumer in the research 65492
and development activity or in recording or storing such test 65493
results. 65494

(II) "Building maintenance and janitorial service" means 65495
cleaning the interior or exterior of a building and any tangible 65496
personal property located therein or thereon, including any 65497
services incidental to such cleaning for which no separate charge 65498
is made. However, "building maintenance and janitorial service" 65499
does not include the providing of such service by a person who has 65500
less than five thousand dollars in sales of such service during 65501
the calendar year. As used in this division, "cleaning" does not 65502
include sanitation services necessary for an establishment 65503
described in 21 U.S.C. 608 to comply with rules and regulations 65504
adopted pursuant to that section. 65505

(JJ) "Employment service" means providing or supplying 65506
personnel, on a temporary or long-term basis, to perform work or 65507
labor under the supervision or control of another, when the 65508

personnel so provided or supplied receive their wages, salary, or 65509
other compensation from the provider or supplier of the employment 65510
service or from a third party that provided or supplied the 65511
personnel to the provider or supplier. "Employment service" does 65512
not include: 65513

(1) Acting as a contractor or subcontractor, where the 65514
personnel performing the work are not under the direct control of 65515
the purchaser. 65516

(2) Medical and health care services. 65517

(3) Supplying personnel to a purchaser pursuant to a contract 65518
of at least one year between the service provider and the 65519
purchaser that specifies that each employee covered under the 65520
contract is assigned to the purchaser on a permanent basis. 65521

(4) Transactions between members of an affiliated group, as 65522
defined in division (B)(3)(e) of this section. 65523

(5) Transactions where the personnel so provided or supplied 65524
by a provider or supplier to a purchaser of an employment service 65525
are then provided or supplied by that purchaser to a third party 65526
as an employment service, except "employment service" does include 65527
the transaction between that purchaser and the third party. 65528

(KK) "Employment placement service" means locating or finding 65529
employment for a person or finding or locating an employee to fill 65530
an available position. 65531

(LL) "Exterminating service" means eradicating or attempting 65532
to eradicate vermin infestations from a building or structure, or 65533
the area surrounding a building or structure, and includes 65534
activities to inspect, detect, or prevent vermin infestation of a 65535
building or structure. 65536

(MM) "Physical fitness facility service" means all 65537
transactions by which a membership is granted, maintained, or 65538

renewed, including initiation fees, membership dues, renewal fees, 65539
monthly minimum fees, and other similar fees and dues, by a 65540
physical fitness facility such as an athletic club, health spa, or 65541
gymnasium, which entitles the member to use the facility for 65542
physical exercise. 65543

(NN) "Recreation and sports club service" means all 65544
transactions by which a membership is granted, maintained, or 65545
renewed, including initiation fees, membership dues, renewal fees, 65546
monthly minimum fees, and other similar fees and dues, by a 65547
recreation and sports club, which entitles the member to use the 65548
facilities of the organization. "Recreation and sports club" means 65549
an organization that has ownership of, or controls or leases on a 65550
continuing, long-term basis, the facilities used by its members 65551
and includes an aviation club, gun or shooting club, yacht club, 65552
card club, swimming club, tennis club, golf club, country club, 65553
riding club, amateur sports club, or similar organization. 65554

(OO) "Livestock" means farm animals commonly raised for food, 65555
food production, or other agricultural purposes, including, but 65556
not limited to, cattle, sheep, goats, swine, poultry, and captive 65557
deer. "Livestock" does not include invertebrates, amphibians, 65558
reptiles, domestic pets, animals for use in laboratories or for 65559
exhibition, or other animals not commonly raised for food or food 65560
production. 65561

(PP) "Livestock structure" means a building or structure used 65562
exclusively for the housing, raising, feeding, or sheltering of 65563
livestock, and includes feed storage or handling structures and 65564
structures for livestock waste handling. 65565

(QQ) "Horticulture" means the growing, cultivation, and 65566
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 65567
and nursery stock. As used in this division, "nursery stock" has 65568
the same meaning as in section 927.51 of the Revised Code. 65569

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the 65602
possession or control of tangible personal property for a fixed or 65603
indefinite term, for consideration. "Lease" or "rental" includes 65604
future options to purchase or extend, and agreements described in 65605
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 65606
the amount of consideration may be increased or decreased by 65607
reference to the amount realized upon the sale or disposition of 65608
the property. "Lease" or "rental" does not include: 65609

(a) A transfer of possession or control of tangible personal 65610
property under a security agreement or a deferred payment plan 65611
that requires the transfer of title upon completion of the 65612
required payments; 65613

(b) A transfer of possession or control of tangible personal 65614
property under an agreement that requires the transfer of title 65615
upon completion of required payments and payment of an option 65616
price that does not exceed the greater of one hundred dollars or 65617
one per cent of the total required payments; 65618

(c) Providing tangible personal property along with an 65619
operator for a fixed or indefinite period of time, if the operator 65620
is necessary for the property to perform as designed. For purposes 65621
of this division, the operator must do more than maintain, 65622
inspect, or set up the tangible personal property. 65623

(2) "Lease" and "rental," as defined in division (UU) of this 65624
section, shall not apply to leases or rentals that exist before 65625
June 26, 2003. 65626

(3) "Lease" and "rental" have the same meaning as in division 65627
(UU)(1) of this section regardless of whether a transaction is 65628
characterized as a lease or rental under generally accepted 65629
accounting principles, the Internal Revenue Code, Title XIII of 65630
the Revised Code, or other federal, state, or local laws. 65631

(VV) "Mobile telecommunications service" has the same meaning 65632

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(ZZ) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions

designed to cause a computer or automatic data processing 65664
equipment to perform a task. 65665

(CCC) "Delivered electronically" means delivery of computer 65666
software from the seller to the purchaser by means other than 65667
tangible storage media. 65668

(DDD) "Prewritten computer software" means computer software, 65669
including prewritten upgrades, that is not designed and developed 65670
by the author or other creator to the specifications of a specific 65671
purchaser. The combining of two or more prewritten computer 65672
software programs or prewritten portions thereof does not cause 65673
the combination to be other than prewritten computer software. 65674
"Prewritten computer software" includes software designed and 65675
developed by the author or other creator to the specifications of 65676
a specific purchaser when it is sold to a person other than the 65677
purchaser. If a person modifies or enhances computer software of 65678
which the person is not the author or creator, the person shall be 65679
deemed to be the author or creator only of such person's 65680
modifications or enhancements. Prewritten computer software or a 65681
prewritten portion thereof that is modified or enhanced to any 65682
degree, where such modification or enhancement is designed and 65683
developed to the specifications of a specific purchaser, remains 65684
prewritten computer software; provided, however, that where there 65685
is a reasonable, separately stated charge or an invoice or other 65686
statement of the price given to the purchaser for the modification 65687
or enhancement, the modification or enhancement shall not 65688
constitute prewritten computer software. 65689

(EEE)(1) "Food" means substances, whether in liquid, 65690
concentrated, solid, frozen, dried, or dehydrated form, that are 65691
sold for ingestion or chewing by humans and are consumed for their 65692
taste or nutritional value. "Food" does not include alcoholic 65693
beverages, dietary supplements, soft drinks, or tobacco. 65694

(2) As used in division (EEE)(1) of this section: 65695

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than

food, dietary supplements, or alcoholic beverages that is 65726
recognized in the official United States pharmacopoeia, official 65727
homeopathic pharmacopoeia of the United States, or official 65728
national formulary, and supplements to them; is intended for use 65729
in the diagnosis, cure, mitigation, treatment, or prevention of 65730
disease; or is intended to affect the structure or any function of 65731
the body. 65732

(GGG) "Prescription" means an order, formula, or recipe 65733
issued in any form of oral, written, electronic, or other means of 65734
transmission by a duly licensed practitioner authorized by the 65735
laws of this state to issue a prescription. 65736

(HHH) "Durable medical equipment" means equipment, including 65737
repair and replacement parts for such equipment, that can 65738
withstand repeated use, is primarily and customarily used to serve 65739
a medical purpose, generally is not useful to a person in the 65740
absence of illness or injury, and is not worn in or on the body. 65741
"Durable medical equipment" does not include mobility enhancing 65742
equipment. 65743

(III) "Mobility enhancing equipment" means equipment, 65744
including repair and replacement parts for such equipment, that is 65745
primarily and customarily used to provide or increase the ability 65746
to move from one place to another and is appropriate for use 65747
either in a home or a motor vehicle, that is not generally used by 65748
persons with normal mobility, and that does not include any motor 65749
vehicle or equipment on a motor vehicle normally provided by a 65750
motor vehicle manufacturer. "Mobility enhancing equipment" does 65751
not include durable medical equipment. 65752

(JJJ) "Prosthetic device" means a replacement, corrective, or 65753
supportive device, including repair and replacement parts for the 65754
device, worn on or in the human body to artificially replace a 65755
missing portion of the body, prevent or correct physical deformity 65756
or malfunction, or support a weak or deformed portion of the body. 65757

As used in this division, before July 1, 2019, "prosthetic device" 65758
does not include corrective eyeglasses, contact lenses, or dental 65759
prosthesis. On or after July 1, 2019, "prosthetic device" does not 65760
include dental prosthesis but does include corrective eyeglasses 65761
or contact lenses. 65762

~~(KKK)(1) "Fractional aircraft ownership program" means a 65763
program in which persons within an affiliated group sell and 65764
manage fractional ownership program aircraft, provided that at 65765
least one hundred airworthy aircraft are operated in the program 65766
and the program meets all of the following criteria:~~ 65767

~~(a) Management services are provided by at least one program 65768
manager within an affiliated group on behalf of the fractional 65769
owners. 65770~~

~~(b) Each program aircraft is owned or possessed by at least 65771
one fractional owner. 65772~~

~~(c) Each fractional owner owns or possesses at least a 65773
one sixteenth interest in at least one fixed wing program 65774
aircraft. 65775~~

~~(d) A dry lease aircraft interchange arrangement is in effect 65776
among all of the fractional owners. 65777~~

~~(e) Multi-year program agreements are in effect regarding the 65778
fractional ownership, management services, and dry lease aircraft 65779
interchange arrangement aspects of the program. 65780~~

~~(2) As used in division (KKK)(1) of this section:~~ 65781

~~(a) "Affiliated group" has the same meaning as in division 65782
(B)(3)(c) of this section. 65783~~

~~(b) "Fractional owner" means a person that owns or possesses 65784
at least a one sixteenth interest in a program aircraft and has 65785
entered into the agreements described in division (KKK)(1)(c) of 65786
this section. 65787~~

~~(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.~~

~~(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.~~

~~(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.~~

~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary~~

materials; or other similar information which has been gathered 65820
and made available by the provider to the consumer in an 65821
electronic format. Providing electronic publishing includes the 65822
functions necessary for the acquisition, formatting, editing, 65823
storage, and dissemination of data or information that is the 65824
subject of a sale. 65825

~~(MMM)~~(LLL) "Medicaid health insuring corporation" means a 65826
health insuring corporation that holds a certificate of authority 65827
under Chapter 1751. of the Revised Code and is under contract with 65828
the department of medicaid pursuant to section 5167.10 of the 65829
Revised Code. 65830

~~(NNN)~~(MMM) "Managed care premium" means any premium, 65831
capitation, or other payment a medicaid health insuring 65832
corporation receives for providing or arranging for the provision 65833
of health care services to its members or enrollees residing in 65834
this state. 65835

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 65836
have been legally acquired, or their offspring, that are privately 65837
owned for agricultural or farming purposes. 65838

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 65839
or other record, whether tangible or intangible, that may be 65840
redeemed by a consumer for a dollar value when making a purchase 65841
of tangible personal property or services. 65842

~~(OOO)~~(PPP) "Specified digital product" means an 65843
electronically transferred digital audiovisual work, digital audio 65844
work, or digital book. 65845

As used in division ~~(OOO)~~(PPP) of this section: 65846

(1) "Digital audiovisual work" means a series of related 65847
images that, when shown in succession, impart an impression of 65848
motion, together with accompanying sounds, if any. 65849

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

~~(RRR)~~(OOO) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(RRR) "Transportation network company" and "transportation network company services" have the same meanings as in section 3942.01 of the Revised Code.

Sec. 5739.011. (A) As used in this section:

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B)(12) of this section, a person who meets all the qualifications of that division.

(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer.

(3) "Materials handling" means the movement of the product

being or to be manufactured, during which movement the product is 65880
not undergoing any substantial change or alteration in its state 65881
or form. 65882

(4) "Testing" means a process or procedure to identify the 65883
properties or assure the quality of a material or product. 65884

(5) "Completed product" means a manufactured item that is in 65885
the form and condition as it will be sold by the manufacturer. An 65886
item is completed when all processes that change or alter its 65887
state or form or enhance its value are finished, even though the 65888
item subsequently will be tested to ensure its quality or be 65889
packaged for storage or shipment. 65890

(6) "Continuous manufacturing operation" means the process in 65891
which raw materials or components are moved through the steps 65892
whereby manufacturing occurs. Materials handling of raw materials 65893
or parts from the point of receipt or preproduction storage or of 65894
a completed product, to or from storage, to or from packaging, or 65895
to the place from which the completed product will be shipped, is 65896
not a part of a continuous manufacturing operation. 65897

(7) "Food" has the same meaning as in section 3717.01 of the 65898
Revised Code. 65899

(B) For purposes of division (B)(42)(g) of section 5739.02 of 65900
the Revised Code, the "thing transferred" includes, but is not 65901
limited to, any of the following: 65902

(1) Production machinery and equipment that act upon the 65903
product or machinery and equipment that treat the materials or 65904
parts in preparation for the manufacturing operation; 65905

(2) Materials handling equipment that moves the product 65906
through a continuous manufacturing operation; equipment that 65907
temporarily stores the product during the manufacturing operation; 65908
or, excluding motor vehicles licensed to operate on public 65909
highways, equipment used in intraplant or interplant transfers of 65910

work in process where the plant or plants between which such 65911
transfers occur are manufacturing facilities operated by the same 65912
person; 65913

(3) Catalysts, solvents, water, acids, oil, and similar 65914
consumables that interact with the product and that are an 65915
integral part of the manufacturing operation; 65916

(4) Machinery, equipment, and other tangible personal 65917
property used during the manufacturing operation that control, 65918
physically support, produce power for, lubricate, or are otherwise 65919
necessary for the functioning of production machinery and 65920
equipment and the continuation of the manufacturing operation; 65921

(5) Machinery, equipment, fuel, power, material, parts, and 65922
other tangible personal property used to manufacture machinery, 65923
equipment, or other tangible personal property used in 65924
manufacturing a product for sale; 65925

(6) Machinery, equipment, and other tangible personal 65926
property used by a manufacturer to test raw materials, the product 65927
being manufactured, or the completed product; 65928

(7) Machinery and equipment used to handle or temporarily 65929
store scrap that is intended to be reused in the manufacturing 65930
operation at the same manufacturing facility; 65931

(8) Coke, gas, water, steam, and similar substances used in 65932
the manufacturing operation; machinery and equipment used for, and 65933
fuel consumed in, producing or extracting those substances; 65934
machinery, equipment, and other tangible personal property used to 65935
treat, filter, pump, or otherwise make the substance suitable for 65936
use in the manufacturing operation; and machinery and equipment 65937
used for, and fuel consumed in, producing electricity for use in 65938
the manufacturing operation; 65939

(9) Machinery, equipment, and other tangible personal 65940
property used to transport or transmit electricity, coke, gas, 65941

water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;

(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;

(11) Parts, components, and repair and installation services for items described in division (B) of this section;

(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil, dirt, or other contaminants from, or otherwise preparing in a suitable condition for use, towels, linens, articles of clothing, floor mats, mop heads, or other similar items, to be supplied to a consumer as part of laundry and dry cleaning services as defined in division (BB) of section 5739.01 of the Revised Code, only when the towels, linens, articles of clothing, floor mats, mop heads, or other similar items belong to the provider of the services;

(13) Equipment and supplies used to clean processing equipment that is part of a continuous manufacturing operation to produce ~~milk, ice cream, yogurt, cheese, and similar dairy products~~ food for human consumption.

(C) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" does not include any of the following:

(1) Tangible personal property used in administrative, personnel, security, inventory control, record-keeping, ordering, billing, or similar functions;	65973 65974 65975
(2) Tangible personal property used in storing raw materials or parts prior to the commencement of the manufacturing operation or used to handle or store a completed product, including storage that actively maintains a completed product in a marketable state or form;	65976 65977 65978 65979 65980
(3) Tangible personal property used to handle or store scrap or waste intended for disposal, sale, or other disposition, other than reuse in the manufacturing operation at the same manufacturing facility;	65981 65982 65983 65984
(4) Tangible personal property that is or is to be incorporated into realty;	65985 65986
(5) Machinery, equipment, and other tangible personal property used for ventilation, dust or gas collection, humidity or temperature regulation, or similar environmental control, except machinery, equipment, and other tangible personal property that totally regulates the environment in a special and limited area of the manufacturing facility where the regulation is essential for production to occur;	65987 65988 65989 65990 65991 65992 65993
(6) Tangible personal property used for the protection and safety of workers, unless the property is attached to or incorporated into machinery and equipment used in a continuous manufacturing operation;	65994 65995 65996 65997
(7) Tangible personal property used to store fuel, water, solvents, acid, oil, or similar items consumed in the manufacturing operation;	65998 65999 66000
(8) Except as provided in division (B)(13) of this section, machinery, equipment, and other tangible personal property used to clean, repair, or maintain real or personal property in the	66001 66002 66003

manufacturing facility; 66004

(9) Motor vehicles registered for operation on public 66005
highways. 66006

(D) For purposes of division (B)(42)(g) of section 5739.02 of 66007
the Revised Code, if the "thing transferred" is a machine used by 66008
a manufacturer in both a taxable and an exempt manner, it shall be 66009
totally taxable or totally exempt from taxation based upon its 66010
quantified primary use. If the "things transferred" are fungibles, 66011
they shall be taxed based upon the proportion of the fungibles 66012
used in a taxable manner. 66013

Sec. 5739.02. For the purpose of providing revenue with which 66014
to meet the needs of the state, for the use of the general revenue 66015
fund of the state, for the purpose of securing a thorough and 66016
efficient system of common schools throughout the state, for the 66017
purpose of affording revenues, in addition to those from general 66018
property taxes, permitted under constitutional limitations, and 66019
from other sources, for the support of local governmental 66020
functions, and for the purpose of reimbursing the state for the 66021
expense of administering this chapter, an excise tax is hereby 66022
levied on each retail sale made in this state. 66023

(A)(1) The tax shall be collected as provided in section 66024
5739.025 of the Revised Code. The rate of the tax shall be five 66025
and three-fourths per cent. The tax applies and is collectible 66026
when the sale is made, regardless of the time when the price is 66027
paid or delivered. 66028

(2) In the case of the lease or rental, with a fixed term of 66029
more than thirty days or an indefinite term with a minimum period 66030
of more than thirty days, of any motor vehicles designed by the 66031
manufacturer to carry a load of not more than one ton, watercraft, 66032
outboard motor, or aircraft, or of any tangible personal property, 66033
other than motor vehicles designed by the manufacturer to carry a 66034

load of more than one ton, to be used by the lessee or renter 66035
primarily for business purposes, the tax shall be collected by the 66036
vendor at the time the lease or rental is consummated and shall be 66037
calculated by the vendor on the basis of the total amount to be 66038
paid by the lessee or renter under the lease agreement. If the 66039
total amount of the consideration for the lease or rental includes 66040
amounts that are not calculated at the time the lease or rental is 66041
executed, the tax shall be calculated and collected by the vendor 66042
at the time such amounts are billed to the lessee or renter. In 66043
the case of an open-end lease or rental, the tax shall be 66044
calculated by the vendor on the basis of the total amount to be 66045
paid during the initial fixed term of the lease or rental, and for 66046
each subsequent renewal period as it comes due. As used in this 66047
division, "motor vehicle" has the same meaning as in section 66048
4501.01 of the Revised Code, and "watercraft" includes an outdrive 66049
unit attached to the watercraft. 66050

A lease with a renewal clause and a termination penalty or 66051
similar provision that applies if the renewal clause is not 66052
exercised is presumed to be a sham transaction. In such a case, 66053
the tax shall be calculated and paid on the basis of the entire 66054
length of the lease period, including any renewal periods, until 66055
the termination penalty or similar provision no longer applies. 66056
The taxpayer shall bear the burden, by a preponderance of the 66057
evidence, that the transaction or series of transactions is not a 66058
sham transaction. 66059

(3) Except as provided in division (A)(2) of this section, in 66060
the case of a sale, the price of which consists in whole or in 66061
part of the lease or rental of tangible personal property, the tax 66062
shall be measured by the installments of that lease or rental. 66063

(4) In the case of a sale of a physical fitness facility 66064
service or recreation and sports club service, the price of which 66065
consists in whole or in part of a membership for the receipt of 66066

the benefit of the service, the tax applicable to the sale shall 66067
be measured by the installments thereof. 66068

(B) The tax does not apply to the following: 66069

(1) Sales to the state or any of its political subdivisions, 66070
or to any other state or its political subdivisions if the laws of 66071
that state exempt from taxation sales made to this state and its 66072
political subdivisions; 66073

(2) Sales of food for human consumption off the premises 66074
where sold; 66075

(3) Sales of food sold to students only in a cafeteria, 66076
dormitory, fraternity, or sorority maintained in a private, 66077
public, or parochial school, college, or university; 66078

(4) Sales of newspapers and sales or transfers of magazines 66079
distributed as controlled circulation publications; 66080

(5) The furnishing, preparing, or serving of meals without 66081
charge by an employer to an employee provided the employer records 66082
the meals as part compensation for services performed or work 66083
done; 66084

(6)(a) Sales of motor fuel upon receipt, use, distribution, 66085
or sale of which in this state a tax is imposed by the law of this 66086
state, but this exemption shall not apply to the sale of motor 66087
fuel on which a refund of the tax is allowable under division (A) 66088
of section 5735.14 of the Revised Code; and the tax commissioner 66089
may deduct the amount of tax levied by this section applicable to 66090
the price of motor fuel when granting a refund of motor fuel tax 66091
pursuant to division (A) of section 5735.14 of the Revised Code 66092
and shall cause the amount deducted to be paid into the general 66093
revenue fund of this state; 66094

(b) Sales of motor fuel other than that described in division 66095
(B)(6)(a) of this section and used for powering a refrigeration 66096

unit on a vehicle other than one used primarily to provide comfort 66097
to the operator or occupants of the vehicle. 66098

(7) Sales of natural gas by a natural gas company or 66099
municipal gas utility, of water by a water-works company, or of 66100
steam by a heating company, if in each case the thing sold is 66101
delivered to consumers through pipes or conduits, and all sales of 66102
communications services by a telegraph company, all terms as 66103
defined in section 5727.01 of the Revised Code, and sales of 66104
electricity delivered through wires; 66105

(8) Casual sales by a person, or auctioneer employed directly 66106
by the person to conduct such sales, except as to such sales of 66107
motor vehicles, watercraft or outboard motors required to be 66108
titled under section 1548.06 of the Revised Code, watercraft 66109
documented with the United States coast guard, snowmobiles, and 66110
all-purpose vehicles as defined in section 4519.01 of the Revised 66111
Code; 66112

(9)(a) Sales of services or tangible personal property, other 66113
than motor vehicles, mobile homes, and manufactured homes, by 66114
churches, organizations exempt from taxation under section 66115
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 66116
organizations operated exclusively for charitable purposes as 66117
defined in division (B)(12) of this section, provided that the 66118
number of days on which such tangible personal property or 66119
services, other than items never subject to the tax, are sold does 66120
not exceed six in any calendar year, except as otherwise provided 66121
in division (B)(9)(b) of this section. If the number of days on 66122
which such sales are made exceeds six in any calendar year, the 66123
church or organization shall be considered to be engaged in 66124
business and all subsequent sales by it shall be subject to the 66125
tax. In counting the number of days, all sales by groups within a 66126
church or within an organization shall be considered to be sales 66127
of that church or organization. 66128

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease,

or injury; the operation of an organization exclusively for the 66160
provision of professional, laundry, printing, and purchasing 66161
services to hospitals or charitable institutions; the operation of 66162
a home for the aged, as defined in section 5701.13 of the Revised 66163
Code; the operation of a radio or television broadcasting station 66164
that is licensed by the federal communications commission as a 66165
noncommercial educational radio or television station; the 66166
operation of a nonprofit animal adoption service or a county 66167
humane society; the promotion of education by an institution of 66168
learning that maintains a faculty of qualified instructors, 66169
teaches regular continuous courses of study, and confers a 66170
recognized diploma upon completion of a specific curriculum; the 66171
operation of a parent-teacher association, booster group, or 66172
similar organization primarily engaged in the promotion and 66173
support of the curricular or extracurricular activities of a 66174
primary or secondary school; the operation of a community or area 66175
center in which presentations in music, dramatics, the arts, and 66176
related fields are made in order to foster public interest and 66177
education therein; the production of performances in music, 66178
dramatics, and the arts; or the promotion of education by an 66179
organization engaged in carrying on research in, or the 66180
dissemination of, scientific and technological knowledge and 66181
information primarily for the public. 66182

Nothing in this division shall be deemed to exempt sales to 66183
any organization for use in the operation or carrying on of a 66184
trade or business, or sales to a home for the aged for use in the 66185
operation of independent living facilities as defined in division 66186
(A) of section 5709.12 of the Revised Code. 66187

(13) Building and construction materials and services sold to 66188
construction contractors for incorporation into a structure or 66189
improvement to real property under a construction contract with 66190
this state or a political subdivision of this state, or with the 66191

United States government or any of its agencies; building and 66192
construction materials and services sold to construction 66193
contractors for incorporation into a structure or improvement to 66194
real property that are accepted for ownership by this state or any 66195
of its political subdivisions, or by the United States government 66196
or any of its agencies at the time of completion of the structures 66197
or improvements; building and construction materials sold to 66198
construction contractors for incorporation into a horticulture 66199
structure or livestock structure for a person engaged in the 66200
business of horticulture or producing livestock; building 66201
materials and services sold to a construction contractor for 66202
incorporation into a house of public worship or religious 66203
education, or a building used exclusively for charitable purposes 66204
under a construction contract with an organization whose purpose 66205
is as described in division (B)(12) of this section; building 66206
materials and services sold to a construction contractor for 66207
incorporation into a building under a construction contract with 66208
an organization exempt from taxation under section 501(c)(3) of 66209
the Internal Revenue Code of 1986 when the building is to be used 66210
exclusively for the organization's exempt purposes; building and 66211
construction materials sold for incorporation into the original 66212
construction of a sports facility under section 307.696 of the 66213
Revised Code; building and construction materials and services 66214
sold to a construction contractor for incorporation into real 66215
property outside this state if such materials and services, when 66216
sold to a construction contractor in the state in which the real 66217
property is located for incorporation into real property in that 66218
state, would be exempt from a tax on sales levied by that state; 66219
building and construction materials for incorporation into a 66220
transportation facility pursuant to a public-private agreement 66221
entered into under sections 5501.70 to 5501.83 of the Revised 66222
Code; and, until one calendar year after the construction of a 66223
convention center that qualifies for property tax exemption under 66224

section 5709.084 of the Revised Code is completed, building and 66225
construction materials and services sold to a construction 66226
contractor for incorporation into the real property comprising 66227
that convention center; 66228

(14) Sales of ships or vessels or rail rolling stock used or 66229
to be used principally in interstate or foreign commerce, and 66230
repairs, alterations, fuel, and lubricants for such ships or 66231
vessels or rail rolling stock; 66232

(15) Sales to persons primarily engaged in any of the 66233
activities mentioned in division (B)(42)(a), (g), or (h) of this 66234
section, to persons engaged in making retail sales, or to persons 66235
who purchase for sale from a manufacturer tangible personal 66236
property that was produced by the manufacturer in accordance with 66237
specific designs provided by the purchaser, of packages, including 66238
material, labels, and parts for packages, and of machinery, 66239
equipment, and material for use primarily in packaging tangible 66240
personal property produced for sale, including any machinery, 66241
equipment, and supplies used to make labels or packages, to 66242
prepare packages or products for labeling, or to label packages or 66243
products, by or on the order of the person doing the packaging, or 66244
sold at retail. "Packages" includes bags, baskets, cartons, 66245
crates, boxes, cans, bottles, bindings, wrappings, and other 66246
similar devices and containers, but does not include motor 66247
vehicles or bulk tanks, trailers, or similar devices attached to 66248
motor vehicles. "Packaging" means placing in a package. Division 66249
(B)(15) of this section does not apply to persons engaged in 66250
highway transportation for hire. 66251

(16) Sales of food to persons using supplemental nutrition 66252
assistance program benefits to purchase the food. As used in this 66253
division, "food" has the same meaning as in 7 U.S.C. 2012 and 66254
federal regulations adopted pursuant to the Food and Nutrition Act 66255
of 2008. 66256

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and

emergency medical services, for political subdivisions of the 66289
state; 66290

(21) Sales of tangible personal property manufactured in this 66291
state, if sold by the manufacturer in this state to a retailer for 66292
use in the retail business of the retailer outside of this state 66293
and if possession is taken from the manufacturer by the purchaser 66294
within this state for the sole purpose of immediately removing the 66295
same from this state in a vehicle owned by the purchaser; 66296

(22) Sales of services provided by the state or any of its 66297
political subdivisions, agencies, instrumentalities, institutions, 66298
or authorities, or by governmental entities of the state or any of 66299
its political subdivisions, agencies, instrumentalities, 66300
institutions, or authorities; 66301

(23) Sales of motor vehicles to nonresidents of this state 66302
under the circumstances described in division (B) of section 66303
5739.029 of the Revised Code; 66304

(24) Sales to persons engaged in the preparation of eggs for 66305
sale of tangible personal property used or consumed directly in 66306
such preparation, including such tangible personal property used 66307
for cleaning, sanitizing, preserving, grading, sorting, and 66308
classifying by size; packages, including material and parts for 66309
packages, and machinery, equipment, and material for use in 66310
packaging eggs for sale; and handling and transportation equipment 66311
and parts therefor, except motor vehicles licensed to operate on 66312
public highways, used in intraplant or interplant transfers or 66313
shipment of eggs in the process of preparation for sale, when the 66314
plant or plants within or between which such transfers or 66315
shipments occur are operated by the same person. "Packages" 66316
includes containers, cases, baskets, flats, fillers, filler flats, 66317
cartons, closure materials, labels, and labeling materials, and 66318
"packaging" means placing therein. 66319

(25)(a) Sales of water to a consumer for residential use;	66320
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	66321 66322 66323 66324
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	66325 66326
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	66327 66328 66329 66330
(a) To prepare food for human consumption for sale;	66331
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	66332 66333 66334 66335
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	66336 66337
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	66338 66339
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	66340 66341 66342 66343
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	66344 66345 66346
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	66347 66348 66349

(32) The sale, lease, repair, and maintenance of, parts for, 66350
or items attached to or incorporated in, motor vehicles that are 66351
primarily used for transporting tangible personal property 66352
belonging to others by a person engaged in highway transportation 66353
for hire, except for packages and packaging used for the 66354
transportation of tangible personal property; 66355

(33) Sales to the state headquarters of any veterans' 66356
organization in this state that is either incorporated and issued 66357
a charter by the congress of the United States or is recognized by 66358
the United States veterans administration, for use by the 66359
headquarters; 66360

(34) Sales to a telecommunications service vendor, mobile 66361
telecommunications service vendor, or satellite broadcasting 66362
service vendor of tangible personal property and services used 66363
directly and primarily in transmitting, receiving, switching, or 66364
recording any interactive, one- or two-way electromagnetic 66365
communications, including voice, image, data, and information, 66366
through the use of any medium, including, but not limited to, 66367
poles, wires, cables, switching equipment, computers, and record 66368
storage devices and media, and component parts for the tangible 66369
personal property. The exemption provided in this division shall 66370
be in lieu of all other exemptions under division (B)(42)(a) or 66371
(n) of this section to which the vendor may otherwise be entitled, 66372
based upon the use of the thing purchased in providing the 66373
telecommunications, mobile telecommunications, or satellite 66374
broadcasting service. 66375

(35)(a) Sales where the purpose of the consumer is to use or 66376
consume the things transferred in making retail sales and 66377
consisting of newspaper inserts, catalogues, coupons, flyers, gift 66378
certificates, or other advertising material that prices and 66379
describes tangible personal property offered for retail sale. 66380

(b) Sales to direct marketing vendors of preliminary 66381

materials such as photographs, artwork, and typesetting that will 66382
be used in printing advertising material; and of printed matter 66383
that offers free merchandise or chances to win sweepstake prizes 66384
and that is mailed to potential customers with advertising 66385
material described in division (B)(35)(a) of this section; 66386

(c) Sales of equipment such as telephones, computers, 66387
facsimile machines, and similar tangible personal property 66388
primarily used to accept orders for direct marketing retail sales. 66389

(d) Sales of automatic food vending machines that preserve 66390
food with a shelf life of forty-five days or less by refrigeration 66391
and dispense it to the consumer. 66392

For purposes of division (B)(35) of this section, "direct 66393
marketing" means the method of selling where consumers order 66394
tangible personal property by United States mail, delivery 66395
service, or telecommunication and the vendor delivers or ships the 66396
tangible personal property sold to the consumer from a warehouse, 66397
catalogue distribution center, or similar fulfillment facility by 66398
means of the United States mail, delivery service, or common 66399
carrier. 66400

(36) Sales to a person engaged in the business of 66401
horticulture or producing livestock of materials to be 66402
incorporated into a horticulture structure or livestock structure; 66403

(37) Sales of personal computers, computer monitors, computer 66404
keyboards, modems, and other peripheral computer equipment to an 66405
individual who is licensed or certified to teach in an elementary 66406
or a secondary school in this state for use by that individual in 66407
preparation for teaching elementary or secondary school students; 66408

~~(38) Sales to a professional racing team of any of the 66409
following: 66410~~

~~(a) Motor racing vehicles; 66411~~

~~(b) Repair services for motor racing vehicles;~~ 66412

~~(c) Items of property that are attached to or incorporated in~~ 66413
~~motor racing vehicles, including engines, chassis, and all other~~ 66414
~~components of the vehicles, and all spare, replacement, and~~ 66415
~~rebuilt parts or components of the vehicles; except not including~~ 66416
~~tires, consumable fluids, paint, and accessories consisting of~~ 66417
~~instrumentation sensors and related items added to the vehicle to~~ 66418
~~collect and transmit data by means of telemetry and other forms of~~ 66419
~~communication. Sales of tangible personal property that is not~~ 66420
~~required to be registered or licensed under the laws of this state~~ 66421
~~to a citizen of a foreign nation that is not a citizen of the~~ 66422
~~United States, provided the property is delivered to a person in~~ 66423
~~this state that is not a related member of the purchaser, is~~ 66424
~~physically present in this state for the sole purpose of temporary~~ 66425
~~storage and package consolidation, and is subsequently delivered~~ 66426
~~to the purchaser at a delivery address in a foreign nation. As~~ 66427
~~used in division (B)(38) of this section, "related member" has the~~ 66428
~~same meaning as in section 5733.042 of the Revised Code, and~~ 66429
~~"temporary storage" means the storage of tangible personal~~ 66430
~~property for a period of not more than sixty days.~~ 66431

(39) Sales of used manufactured homes and used mobile homes, 66432
as defined in section 5739.0210 of the Revised Code, made on or 66433
after January 1, 2000; 66434

(40) Sales of tangible personal property and services to a 66435
provider of electricity used or consumed directly and primarily in 66436
generating, transmitting, or distributing electricity for use by 66437
others, including property that is or is to be incorporated into 66438
and will become a part of the consumer's production, transmission, 66439
or distribution system and that retains its classification as 66440
tangible personal property after incorporation; fuel or power used 66441
in the production, transmission, or distribution of electricity; 66442
energy conversion equipment as defined in section 5727.01 of the 66443

Revised Code; and tangible personal property and services used in 66444
the repair and maintenance of the production, transmission, or 66445
distribution system, including only those motor vehicles as are 66446
specially designed and equipped for such use. The exemption 66447
provided in this division shall be in lieu of all other exemptions 66448
in division (B)(42)(a) or (n) of this section to which a provider 66449
of electricity may otherwise be entitled based on the use of the 66450
tangible personal property or service purchased in generating, 66451
transmitting, or distributing electricity. 66452

(41) Sales to a person providing services under division 66453
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 66454
personal property and services used directly and primarily in 66455
providing taxable services under that section. 66456

(42) Sales where the purpose of the purchaser is to do any of 66457
the following: 66458

(a) To incorporate the thing transferred as a material or a 66459
part into tangible personal property to be produced for sale by 66460
manufacturing, assembling, processing, or refining; or to use or 66461
consume the thing transferred directly in producing tangible 66462
personal property for sale by mining, including, without 66463
limitation, the extraction from the earth of all substances that 66464
are classed geologically as minerals, or directly in the rendition 66465
of a public utility service, except that the sales tax levied by 66466
this section shall be collected upon all meals, drinks, and food 66467
for human consumption sold when transporting persons. This 66468
paragraph does not exempt from "retail sale" or "sales at retail" 66469
the sale of tangible personal property that is to be incorporated 66470
into a structure or improvement to real property. 66471

(b) To hold the thing transferred as security for the 66472
performance of an obligation of the vendor; 66473

(c) To resell, hold, use, or consume the thing transferred as 66474

evidence of a contract of insurance;	66475
(d) To use or consume the thing directly in commercial fishing;	66476 66477
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	66478 66479 66480 66481
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	66482 66483 66484 66485 66486
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	66487 66488 66489
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	66490 66491 66492 66493 66494 66495
(i) To use the thing transferred as qualified research and development equipment;	66496 66497
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to	66498 66499 66500 66501 66502 66503 66504 66505

motor vehicles registered for operation on the public highways. As 66506
used in this division, "affiliated group" has the same meaning as 66507
in division (B)(3)(e) of section 5739.01 of the Revised Code and 66508
"direct marketing" has the same meaning as in division (B)(35) of 66509
this section. 66510

(k) To use or consume the thing transferred to fulfill a 66511
contractual obligation incurred by a warrantor pursuant to a 66512
warranty provided as a part of the price of the tangible personal 66513
property sold or by a vendor of a warranty, maintenance or service 66514
contract, or similar agreement the provision of which is defined 66515
as a sale under division (B)(7) of section 5739.01 of the Revised 66516
Code; 66517

(l) To use or consume the thing transferred in the production 66518
of a newspaper for distribution to the public; 66519

(m) To use tangible personal property to perform a service 66520
listed in division (B)(3) of section 5739.01 of the Revised Code, 66521
if the property is or is to be permanently transferred to the 66522
consumer of the service as an integral part of the performance of 66523
the service; 66524

(n) To use or consume the thing transferred primarily in 66525
producing tangible personal property for sale by farming, 66526
agriculture, horticulture, or floriculture. Persons engaged in 66527
rendering farming, agriculture, horticulture, or floriculture 66528
services for others are deemed engaged primarily in farming, 66529
agriculture, horticulture, or floriculture. This paragraph does 66530
not exempt from "retail sale" or "sales at retail" the sale of 66531
tangible personal property that is to be incorporated into a 66532
structure or improvement to real property. 66533

(o) To use or consume the thing transferred in acquiring, 66534
formatting, editing, storing, and disseminating data or 66535
information by electronic publishing; 66536

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B)(42)(q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following:

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;

(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;

(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;

(IV) Casing, tubulars, and float and centralizing equipment;

(V) Trailers to which production equipment is attached;	66567
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	66568 66569 66570
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	66571 66572 66573
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	66574 66575 66576 66577
(IX) Pressure pumping equipment;	66578
(X) Artificial lift systems equipment;	66579
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	66580 66581 66582
(XII) Tangible personal property directly used to control production equipment.	66583 66584
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	66585 66586
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	66587 66588 66589
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	66590 66591 66592
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	66593 66594 66595

(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	66596 66597 66598 66599
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	66600 66601 66602 66603
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	66604 66605
(VII) Well site fencing, lighting, or security systems;	66606
(VIII) Communication devices or services;	66607
(IX) Office supplies;	66608
(X) Trailers used as offices or lodging;	66609
(XI) Motor vehicles of any kind;	66610
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	66611 66612
(XIII) Tangible personal property used primarily as a safety device;	66613 66614
(XIV) Data collection or monitoring devices;	66615
(XV) Access ladders, stairs, or platforms attached to storage tanks.	66616 66617
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	66618 66619 66620 66621 66622
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the	66623 66624

commissioner deems necessary to administer division (B)(42)(q) of 66625
this section. 66626

As used in division (B)(42) of this section, "thing" includes 66627
all transactions included in divisions (B)(3)(a), (b), and (e) of 66628
section 5739.01 of the Revised Code. 66629

(43) Sales conducted through a coin operated device that 66630
activates vacuum equipment or equipment that dispenses water, 66631
whether or not in combination with soap or other cleaning agents 66632
or wax, to the consumer for the consumer's use on the premises in 66633
washing, cleaning, or waxing a motor vehicle, provided no other 66634
personal property or personal service is provided as part of the 66635
transaction. 66636

~~(44) Sales of replacement and modification parts for engines, 66637
airframes, instruments, and interiors in, and paint for, aircraft 66638
used primarily in a fractional aircraft ownership program, and 66639
sales of services for the repair, modification, and maintenance of 66640
such aircraft, and machinery, equipment, and supplies primarily 66641
used to provide those services. 66642~~

~~(45)~~ Sales of telecommunications service that is used 66643
directly and primarily to perform the functions of a call center. 66644
As used in this division, "call center" means any physical 66645
location where telephone calls are placed or received in high 66646
volume for the purpose of making sales, marketing, customer 66647
service, technical support, or other specialized business 66648
activity, and that employs at least fifty individuals that engage 66649
in call center activities on a full-time basis, or sufficient 66650
individuals to fill fifty full-time equivalent positions. 66651

~~(46)~~(45) Sales by a telecommunications service vendor of 900 66652
service to a subscriber. This division does not apply to 66653
information services, as defined in division (FF) of section 66654
5739.01 of the Revised Code. 66655

~~(47)~~(46) Sales of value-added non-voice data service. This 66656
division does not apply to any similar service that is not 66657
otherwise a telecommunications service. 66658

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 66659
qualified direct selling entity for use in a warehouse or 66660
distribution center primarily for storing, transporting, or 66661
otherwise handling inventory that is held for sale to independent 66662
salespersons who operate as direct sellers and that is held 66663
primarily for distribution outside this state; 66664

(b) As used in division (B)~~(48)~~(47)(a) of this section: 66665

(i) "Direct seller" means a person selling consumer products 66666
to individuals for personal or household use and not from a fixed 66667
retail location, including selling such product at in-home product 66668
demonstrations, parties, and other one-on-one selling. 66669

(ii) "Qualified direct selling entity" means an entity 66670
selling to direct sellers at the time the entity enters into a tax 66671
credit agreement with the tax credit authority pursuant to section 66672
122.17 of the Revised Code, provided that the agreement was 66673
entered into on or after January 1, 2007. Neither contingencies 66674
relevant to the granting of, nor later developments with respect 66675
to, the tax credit shall impair the status of the qualified direct 66676
selling entity under division (B)~~(48)~~(47) of this section after 66677
execution of the tax credit agreement by the tax credit authority. 66678

(c) Division (B)~~(48)~~(47) of this section is limited to 66679
machinery, equipment, and software first stored, used, or consumed 66680
in this state within the period commencing June 24, 2008, and 66681
ending on the date that is five years after that date. 66682

~~(49)~~(48) Sales of materials, parts, equipment, or engines 66683
used in the repair or maintenance of aircraft or avionics systems 66684
of such aircraft, and sales of repair, remodeling, replacement, or 66685
maintenance services in this state performed on aircraft or on an 66686

aircraft's avionics, engine, or component materials or parts. As 66687
used in division (B)~~(49)~~(48) of this section, "aircraft" means 66688
aircraft of more than six thousand pounds maximum certified 66689
takeoff weight or used exclusively in general aviation. 66690

~~(50) Sales of full flight simulators that are used for pilot 66691
or flight crew training, sales of repair or replacement parts or 66692
components, and sales of repair or maintenance services for such 66693
full flight simulators. "Full flight simulator" means a replica of 66694
a specific type, or make, model, and series of aircraft cockpit. 66695
It includes the assemblage of equipment and computer programs 66696
necessary to represent aircraft operations in ground and flight 66697
conditions, a visual system providing an out of the cockpit view, 66698
and a system that provides cues at least equivalent to those of a 66699
three degree of freedom motion system, and has the full range of 66700
capabilities of the systems installed in the device as described 66701
in appendices A and B of part 60 of chapter 1 of title 14 of the 66702
Code of Federal Regulations.~~ 66703

~~(51)~~(49) Any transfer or lease of tangible personal property 66704
between the state and JobsOhio in accordance with section 4313.02 66705
of the Revised Code. 66706

~~(52)~~(50)(a) Sales to a qualifying corporation. 66707

(b) As used in division (B)~~(52)~~(50) of this section: 66708

(i) "Qualifying corporation" means a nonprofit corporation 66709
organized in this state that leases from an eligible county land, 66710
buildings, structures, fixtures, and improvements to the land that 66711
are part of or used in a public recreational facility used by a 66712
major league professional athletic team or a class A to class AAA 66713
minor league affiliate of a major league professional athletic 66714
team for a significant portion of the team's home schedule, 66715
provided the following apply: 66716

(I) The facility is leased from the eligible county pursuant 66717

to a lease that requires substantially all of the revenue from the 66718
operation of the business or activity conducted by the nonprofit 66719
corporation at the facility in excess of operating costs, capital 66720
expenditures, and reserves to be paid to the eligible county at 66721
least once per calendar year. 66722

(II) Upon dissolution and liquidation of the nonprofit 66723
corporation, all of its net assets are distributable to the board 66724
of commissioners of the eligible county from which the corporation 66725
leases the facility. 66726

(ii) "Eligible county" has the same meaning as in section 66727
307.695 of the Revised Code. 66728

~~(53)~~(51) Sales to or by a cable service provider, video 66729
service provider, or radio or television broadcast station 66730
regulated by the federal government of cable service or 66731
programming, video service or programming, audio service or 66732
programming, or electronically transferred digital audiovisual or 66733
audio work. As used in division (B)~~(53)~~(51) of this section, 66734
"cable service" and "cable service provider" have the same 66735
meanings as in section 1332.01 of the Revised Code, and "video 66736
service," "video service provider," and "video programming" have 66737
the same meanings as in section 1332.21 of the Revised Code. 66738

~~(54)~~(52) Sales of investment metal bullion and investment 66739
coins. "Investment metal bullion" means any bullion described in 66740
section 408(m)(3)(B) of the Internal Revenue Code, regardless of 66741
whether that bullion is in the physical possession of a trustee. 66742
"Investment coin" means any coin composed primarily of gold, 66743
silver, platinum, or palladium. 66744

~~(55)~~(53) Sales of a digital audio work electronically 66745
transferred for delivery through use of a machine, such as a juke 66746
box, that does all of the following: 66747

(a) Accepts direct payments to operate; 66748

(b) Automatically plays a selected digital audio work for a 66749
single play upon receipt of a payment described in division 66750
(B)~~(55)~~(53)(a) of this section; 66751

(c) Operates exclusively for the purpose of playing digital 66752
audio works in a commercial establishment. 66753

~~(56)~~(54)(a) Sales of the following occurring on the first 66754
Friday of August and the following Saturday and Sunday of each 66755
year, beginning in 2018: 66756

(i) An item of clothing, the price of which is seventy-five 66757
dollars or less; 66758

(ii) An item of school supplies, the price of which is twenty 66759
dollars or less; 66760

(iii) An item of school instructional material, the price of 66761
which is twenty dollars or less. 66762

(b) As used in division (B)~~(56)~~(54) of this section: 66763

(i) "Clothing" means all human wearing apparel suitable for 66764
general use. "Clothing" includes, but is not limited to, aprons, 66765
household and shop; athletic supporters; baby receiving blankets; 66766
bathing suits and caps; beach capes and coats; belts and 66767
suspenders; boots; coats and jackets; costumes; diapers, children 66768
and adult, including disposable diapers; earmuffs; footlets; 66769
formal wear; garters and garter belts; girdles; gloves and mittens 66770
for general use; hats and caps; hosiery; insoles for shoes; lab 66771
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 66772
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 66773
and stockings; steel-toed shoes; underwear; uniforms, athletic and 66774
nonathletic; and wedding apparel. "Clothing" does not include 66775
items purchased for use in a trade or business; clothing 66776
accessories or equipment; protective equipment; sports or 66777
recreational equipment; belt buckles sold separately; costume 66778
masks sold separately; patches and emblems sold separately; sewing 66779

equipment and supplies including, but not limited to, knitting 66780
needles, patterns, pins, scissors, sewing machines, sewing 66781
needles, tape measures, and thimbles; and sewing materials that 66782
become part of "clothing" including, but not limited to, buttons, 66783
fabric, lace, thread, yarn, and zippers. 66784

(ii) "School supplies" means items commonly used by a student 66785
in a course of study. "School supplies" includes only the 66786
following items: binders; book bags; calculators; cellophane tape; 66787
blackboard chalk; compasses; composition books; crayons; erasers; 66788
folders, expandable, pocket, plastic, and manila; glue, paste, and 66789
paste sticks; highlighters; index cards; index card boxes; legal 66790
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 66791
notebook paper, copy paper, graph paper, tracing paper, manila 66792
paper, colored paper, poster board, and construction paper; pencil 66793
boxes and other school supply boxes; pencil sharpeners; pencils; 66794
pens; protractors; rulers; scissors; and writing tablets. "School 66795
supplies" does not include any item purchased for use in a trade 66796
or business. 66797

(iii) "School instructional material" means written material 66798
commonly used by a student in a course of study as a reference and 66799
to learn the subject being taught. "School instructional material" 66800
includes only the following items: reference books, reference maps 66801
and globes, textbooks, and workbooks. "School instructional 66802
material" does not include any material purchased for use in a 66803
trade or business. 66804

~~(57) Sales of tangible personal property that is not required 66805
to be registered or licensed under the laws of this state to a 66806
citizen of a foreign nation that is not a citizen of the United 66807
States, provided the property is delivered to a person in this 66808
state that is not a related member of the purchaser, is physically 66809
present in this state for the sole purpose of temporary storage 66810
and package consolidation, and is subsequently delivered to the 66811~~

~~purchaser at a delivery address in a foreign nation. As used in 66812
division (B)(56) of this section, "related member" has the same 66813
meaning as in section 5733.042 of the Revised Code, and "temporary 66814
storage" means the storage of tangible personal property for a 66815
period of not more than sixty days. 66816~~

(C) For the purpose of the proper administration of this 66817
chapter, and to prevent the evasion of the tax, it is presumed 66818
that all sales made in this state are subject to the tax until the 66819
contrary is established. 66820

(D) The levy of this tax on retail sales of recreation and 66821
sports club service shall not prevent a municipal corporation from 66822
levying any tax on recreation and sports club dues or on any 66823
income generated by recreation and sports club dues. 66824

(E) The tax collected by the vendor from the consumer under 66825
this chapter is not part of the price, but is a tax collection for 66826
the benefit of the state, and of counties levying an additional 66827
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 66828
Code and of transit authorities levying an additional sales tax 66829
pursuant to section 5739.023 of the Revised Code. Except for the 66830
discount authorized under section 5739.12 of the Revised Code and 66831
the effects of any rounding pursuant to section 5703.055 of the 66832
Revised Code, no person other than the state or such a county or 66833
transit authority shall derive any benefit from the collection or 66834
payment of the tax levied by this section or section 5739.021, 66835
5739.023, or 5739.026 of the Revised Code. 66836

Sec. 5739.021. (A) For the purpose of providing additional 66837
general revenues for the county, supporting criminal and 66838
administrative justice services in the county, funding a regional 66839
transportation improvement project under section 5595.06 of the 66840
Revised Code, or any combination of the foregoing, and to pay the 66841
expenses of administering such levy, any county may levy a tax at 66842

the rate of not more than one per cent upon every retail sale made 66843
in the county, except sales of watercraft and outboard motors 66844
required to be titled pursuant to Chapter 1548. of the Revised 66845
Code and sales of motor vehicles, and may increase the rate of an 66846
existing tax to not more than one per cent. The rate of any tax 66847
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 66848
~~or one-tenth~~ one-twentieth of one per cent. The rate levied under 66849
this section in any county other than a county that adopted a 66850
charter under Article X, Section 3, Ohio Constitution, may exceed 66851
one per cent, but may not exceed one and one-half per cent minus 66852
the amount by which the rate levied under section 5739.023 of the 66853
Revised Code by the county transit authority exceeds one per cent. 66854

The tax shall be levied and the rate increased pursuant to a 66855
resolution of the board of county commissioners. The resolution 66856
shall state the purpose for which the tax is to be levied and the 66857
number of years for which the tax is to be levied, or that it is 66858
for a continuing period of time. If the tax is to be levied for 66859
the purpose of providing additional general revenues and for the 66860
purpose of supporting criminal and administrative justice 66861
services, the resolution shall state the rate or amount of the tax 66862
to be apportioned to each such purpose. The rate or amount may be 66863
different for each year the tax is to be levied, but the rates or 66864
amounts actually apportioned each year shall not be different from 66865
that stated in the resolution for that year. If Any amount by 66866
which the rate of the tax exceeds one per cent shall be 66867
apportioned exclusively for the construction, acquisition, 66868
equipping, or repair of a detention facility in the county. 66869

If the resolution is adopted as an emergency measure 66870
necessary for the immediate preservation of the public peace, 66871
health, or safety, it must receive an affirmative vote of all of 66872
the members of the board of county commissioners and shall state 66873
the reasons for such necessity. The board shall deliver a 66874

certified copy of the resolution to the tax commissioner, not 66875
later than the sixty-fifth day prior to the date on which the tax 66876
is to become effective, which shall be the first day of the 66877
calendar quarter. A resolution proposing to levy a tax at a rate 66878
that would cause the rate levied under this section to exceed one 66879
per cent may not be adopted as an emergency measure. 66880

Prior to the adoption of any resolution under this section, 66881
the board of county commissioners shall conduct two public 66882
hearings on the resolution, the second hearing to be not less than 66883
three nor more than ten days after the first. Notice of the date, 66884
time, and place of the hearings shall be given by publication in a 66885
newspaper of general circulation in the county, or as provided in 66886
section 7.16 of the Revised Code, once a week on the same day of 66887
the week for two consecutive weeks, the second publication being 66888
not less than ten nor more than thirty days prior to the first 66889
hearing. 66890

Except as provided in division (B)(1) or (3) of this section, 66891
the resolution shall be subject to a referendum as provided in 66892
sections 305.31 to 305.41 of the Revised Code. 66893

If a petition for a referendum is filed, the county auditor 66894
with whom the petition was filed shall, within five days, notify 66895
the board of county commissioners and the tax commissioner of the 66896
filing of the petition by certified mail. If the board of 66897
elections with which the petition was filed declares the petition 66898
invalid, the board of elections, within five days, shall notify 66899
the board of county commissioners and the tax commissioner of that 66900
declaration by certified mail. If the petition is declared to be 66901
invalid, the effective date of the tax or increased rate of tax 66902
levied by this section shall be the first day of a calendar 66903
quarter following the expiration of sixty-five days from the date 66904
the commissioner receives notice from the board of elections that 66905
the petition is invalid. 66906

(B)(1) A resolution that is not adopted as an emergency 66907
measure may direct the board of elections to submit the question 66908
of levying the tax or increasing the rate of tax to the electors 66909
of the county at a special election held on the date specified by 66910
the board of county commissioners in the resolution, provided that 66911
the election occurs not less than ninety days after a certified 66912
copy of such resolution is transmitted to the board of elections 66913
and the election is not held in February or August of any year. A 66914
resolution proposing to levy a tax at a rate that would cause the 66915
rate levied under this section to exceed one per cent may not go 66916
into effect unless the question is submitted to electors under 66917
this division. Upon transmission of the resolution to the board of 66918
elections, the board of county commissioners shall notify the tax 66919
commissioner in writing of the levy question to be submitted to 66920
the electors. No resolution adopted under this division shall go 66921
into effect unless approved by a majority of those voting upon it, 66922
and, except as provided in division (B)(3) of this section, shall 66923
become effective on the first day of a calendar quarter following 66924
the expiration of sixty-five days from the date the tax 66925
commissioner receives notice from the board of elections of the 66926
affirmative vote. 66927

(2) A resolution that is adopted as an emergency measure 66928
shall go into effect as provided in division (A) of this section, 66929
but may direct the board of elections to submit the question of 66930
repealing the tax or increase in the rate of the tax to the 66931
electors of the county at the next general election in the county 66932
occurring not less than ninety days after a certified copy of the 66933
resolution is transmitted to the board of elections. Upon 66934
transmission of the resolution to the board of elections, the 66935
board of county commissioners shall notify the tax commissioner in 66936
writing of the levy question to be submitted to the electors. The 66937
ballot question shall be the same as that prescribed in section 66938
5739.022 of the Revised Code. The board of elections shall notify 66939

the board of county commissioners and the tax commissioner of the 66940
result of the election immediately after the result has been 66941
declared. If a majority of the qualified electors voting on the 66942
question of repealing the tax or increase in the rate of the tax 66943
vote for repeal of the tax or repeal of the increase, the board of 66944
county commissioners, on the first day of a calendar quarter 66945
following the expiration of sixty-five days after the date the 66946
board and tax commissioner receive notice of the result of the 66947
election, shall, in the case of a repeal of the tax, cease to levy 66948
the tax, or, in the case of a repeal of an increase in the rate of 66949
the tax, cease to levy the increased rate and levy the tax at the 66950
rate at which it was imposed immediately prior to the increase in 66951
rate. 66952

(3) If a vendor makes a sale in this state by printed catalog 66953
and the consumer computed the tax on the sale based on local rates 66954
published in the catalog, any tax levied or repealed or rate 66955
changed under this section shall not apply to such a sale until 66956
the first day of a calendar quarter following the expiration of 66957
one hundred twenty days from the date of notice by the tax 66958
commissioner pursuant to division (H) of this section. 66959

(C) If a resolution is rejected at a referendum or if a 66960
resolution adopted after January 1, 1982, as an emergency measure 66961
is repealed by the electors pursuant to division (B)(2) of this 66962
section or section 5739.022 of the Revised Code, then for one year 66963
after the date of the election at which the resolution was 66964
rejected or repealed the board of county commissioners may not 66965
adopt any resolution authorized by this section as an emergency 66966
measure. 66967

(D) The board of county commissioners, at any time while a 66968
tax levied under this section is in effect, may by resolution 66969
reduce the rate at which the tax is levied to a lower rate 66970
authorized by this section. Any reduction in the rate at which the 66971

tax is levied shall be made effective on the first day of a 66972
calendar quarter next following the sixty-fifth day after a 66973
certified copy of the resolution is delivered to the tax 66974
commissioner. 66975

(E) The tax on every retail sale subject to a tax levied 66976
pursuant to this section shall be in addition to the tax levied by 66977
section 5739.02 of the Revised Code and any tax levied pursuant to 66978
section 5739.023 or 5739.026 of the Revised Code. 66979

A county that levies a tax pursuant to this section shall 66980
levy a tax at the same rate pursuant to section 5741.021 of the 66981
Revised Code. 66982

The additional tax levied by the county shall be collected 66983
pursuant to section 5739.025 of the Revised Code. If the 66984
additional tax or some portion thereof is levied for the purpose 66985
of criminal and administrative justice services or specifically 66986
for the purpose of constructing, acquiring, equipping, or 66987
repairing a detention facility, the revenue from the tax, or the 66988
amount or rate apportioned to that purpose, shall be credited to a 66989
one or more special fund funds created in the county treasury for 66990
receipt of that revenue. 66991

Any tax levied pursuant to this section is subject to the 66992
exemptions provided in section 5739.02 of the Revised Code and in 66993
addition shall not be applicable to sales not within the taxing 66994
power of a county under the Constitution of the United States or 66995
the Ohio Constitution. 66996

(F) For purposes of this section, a copy of a resolution is 66997
"certified" when it contains a written statement attesting that 66998
the copy is a true and exact reproduction of the original 66999
resolution. 67000

(G) If a board of commissioners intends to adopt a resolution 67001
to levy a tax in whole or in part for the purpose of criminal and 67002

administrative justice services, the board shall prepare and make 67003
available at the first public hearing at which the resolution is 67004
considered a statement containing the following information: 67005

(1) For each of the two preceding fiscal years, the amount of 67006
expenditures made by the county from the county general fund for 67007
the purpose of criminal and administrative justice services; 67008

(2) For the fiscal year in which the resolution is adopted, 67009
the board's estimate of the amount of expenditures to be made by 67010
the county from the county general fund for the purpose of 67011
criminal and administrative justice services; 67012

(3) For each of the two fiscal years after the fiscal year in 67013
which the resolution is adopted, the board's preliminary plan for 67014
expenditures to be made from the county general fund for the 67015
purpose of criminal and administrative justice services, both 67016
under the assumption that the tax will be imposed for that purpose 67017
and under the assumption that the tax would not be imposed for 67018
that purpose, and for expenditures to be made from the special 67019
fund created under division (E) of this section under the 67020
assumption that the tax will be imposed for that purpose. 67021

The board shall prepare the statement and the preliminary 67022
plan using the best information available to the board at the time 67023
the statement is prepared. Neither the statement nor the 67024
preliminary plan shall be used as a basis to challenge the 67025
validity of the tax in any court of competent jurisdiction, nor 67026
shall the statement or preliminary plan limit the authority of the 67027
board to appropriate, pursuant to section 5705.38 of the Revised 67028
Code, an amount different from that specified in the preliminary 67029
plan. 67030

(H) Upon receipt from a board of county commissioners of a 67031
certified copy of a resolution required by division (A) or (D) of 67032
this section, or from the board of elections of a notice of the 67033

results of an election required by division (A) or (B)(1) or (2) 67034
of this section, the tax commissioner shall provide notice of a 67035
tax rate change in a manner that is reasonably accessible to all 67036
affected vendors. The commissioner shall provide this notice at 67037
least sixty days prior to the effective date of the rate change. 67038
The commissioner, by rule, may establish the method by which 67039
notice will be provided. 67040

(I) As used in this section, ~~"criminal:~~ 67041

(1) "Criminal and administrative justice services" means the 67042
exercise by the county sheriff of all powers and duties vested in 67043
that office by law; the exercise by the county prosecuting 67044
attorney of all powers and duties vested in that office by law; 67045
the exercise by any court in the county of all powers and duties 67046
vested in that court; the exercise by the clerk of the court of 67047
common pleas, any clerk of a municipal court having jurisdiction 67048
throughout the county, or the clerk of any county court of all 67049
powers and duties vested in the clerk by law except, in the case 67050
of the clerk of the court of common pleas, the titling of motor 67051
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 67052
Revised Code; the exercise by the county coroner of all powers and 67053
duties vested in that office by law; making payments to any other 67054
public agency or a private, nonprofit agency, the purposes of 67055
which in the county include the diversion, adjudication, 67056
detention, or rehabilitation of criminals or juvenile offenders; 67057
the operation and maintenance of any detention facility, ~~as~~ 67058
~~defined in section 2921.01 of the Revised Code;~~ and the 67059
construction, acquisition, equipping, or repair of such a 67060
detention facility, ~~including.~~ 67061

(2) "Detention facility" has the same meaning as in section 67062
2921.01 of the Revised Code. 67063

(3) "Construction, acquisition, equipping, or repair" of a 67064
detention facility includes the payment of any debt charges 67065

incurred in the issuance of securities pursuant to Chapter 133. of 67066
the Revised Code for the purpose of constructing, acquiring, 67067
equipping, or repairing such a facility. 67068

Sec. 5739.023. (A)(1) For the purpose of providing additional 67069
general revenues for a transit authority, funding a regional 67070
transportation improvement project under section 5595.06 of the 67071
Revised Code, or funding public infrastructure projects as 67072
described in section 306.353 of the Revised Code, and to pay the 67073
expenses of administering such levy, any transit authority may 67074
levy a tax upon every retail sale made in the territory of the 67075
transit authority, except sales of watercraft and outboard motors 67076
required to be titled pursuant to Chapter 1548. of the Revised 67077
Code and sales of motor vehicles, ~~at a rate of not more than one~~ 67078
~~and one-half per cent~~ and may increase the rate of an existing tax 67079
~~to not more than one and one-half per cent.~~ The rate of any tax 67080
levied pursuant to this section shall be a multiple of ~~one-fourth~~ 67081
~~or one-tenth~~ one-twentieth of one per cent. The rate shall not 67082
exceed one and one-half per cent minus the amount by which the 67083
rate levied under section 5739.021 of the Revised Code by a county 67084
located in the territory of the transit authority exceeds one per 67085
cent. The tax shall be levied and the rate increased pursuant to a 67086
resolution of the legislative authority of the transit authority 67087
and a certified copy of the resolution shall be delivered by the 67088
fiscal officer to the board of elections as provided in section 67089
3505.071 of the Revised Code and to the tax commissioner. The 67090
resolution shall specify the number of years for which the tax is 67091
to be in effect or that the tax is for a continuing period of 67092
time, the purpose or purposes of the levy, and the date of the 67093
election on the question of the tax pursuant to section 306.70 of 67094
the Revised Code. The board of elections shall certify the results 67095
of the election to the transit authority and tax commissioner. 67096

A resolution adopted under this section may not specify that 67097

the sole purpose of the tax is to fund infrastructure projects as 67098
described in section 306.353 of the Revised Code; that purpose 67099
must be combined with the purpose of providing additional general 67100
revenues for the transit authority, funding a regional 67101
transportation improvement project under section 5595.06 of the 67102
Revised Code, or both. The resolution may specify the percentage 67103
of the proceeds of the tax that will be allocated among each of 67104
the purposes for which the tax is to be levied. If one of the 67105
purposes of the tax is to provide general revenue for the transit 67106
authority, the resolution may identify specific projects, 67107
functions, or other uses to which that general revenue will be 67108
allocated and the percentage of the tax proceeds to be allocated 67109
to each of those projects, functions, or other uses. 67110

(2) Except as provided in division (C) of this section, the 67111
tax levied by the resolution shall become effective on the first 67112
day of a calendar quarter next following the sixty-fifth day 67113
following the date the tax commissioner receives from the board of 67114
elections the certification of the results of the election on the 67115
question of the tax. 67116

(B) The legislative authority may, at any time while the tax 67117
is in effect, by resolution fix the rate of the tax at any rate 67118
authorized by this section and not in excess of that approved by 67119
the voters pursuant to section 306.70 of the Revised Code. Except 67120
as provided in division (C) of this section, any change in the 67121
rate of the tax shall be made effective on the first day of a 67122
calendar quarter next following the sixty-fifth day following the 67123
date the tax commissioner receives the certification of the 67124
resolution; provided, that in any case where bonds, or notes in 67125
anticipation of bonds, of a regional transit authority have been 67126
issued under section 306.40 of the Revised Code without a vote of 67127
the electors while the tax proposed to be reduced was in effect, 67128
the board of trustees of the regional transit authority shall 67129

continue to levy and collect under authority of the original 67130
election authorizing the tax a rate of tax that the board of 67131
trustees reasonably estimates will produce an amount in that year 67132
equal to the amount of principal of and interest on those bonds as 67133
is payable in that year. 67134

(C) Upon receipt from the board of elections of the 67135
certification of the results of the election required by division 67136
(A) of this section, or from the legislative authority of the 67137
certification of a resolution under division (B) of this section, 67138
the tax commissioner shall provide notice of a tax rate change in 67139
a manner that is reasonably accessible to all affected vendors. 67140
The commissioner shall provide this notice at least sixty days 67141
prior to the effective date of the rate change. The commissioner, 67142
by rule, may establish the method by which notice will be 67143
provided. 67144

(D) If a vendor makes a sale in this state by printed catalog 67145
and the consumer computed the tax on the sale based on local rates 67146
published in the catalog, any tax levied or rate changed under 67147
this section shall not apply to such a sale until the first day of 67148
a calendar quarter following the expiration of one hundred twenty 67149
days from the date of notice by the tax commissioner pursuant to 67150
division (C) of this section. 67151

(E) The tax on every retail sale subject to a tax levied 67152
pursuant to this section is in addition to the tax levied by 67153
section 5739.02 of the Revised Code and any tax levied pursuant to 67154
section 5739.021 or 5739.026 of the Revised Code. 67155

(F) The additional tax levied by the transit authority shall 67156
be collected pursuant to section 5739.025 of the Revised Code. 67157

(G) Any tax levied pursuant to this section is subject to the 67158
exemptions provided in section 5739.02 of the Revised Code and in 67159
addition shall not be applicable to sales not within the taxing 67160

power of a transit authority under the constitution of the United States or the constitution of this state. 67161
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(H) The rate of a tax levied under this section is subject to reduction under section 5739.028 of the Revised Code, if a ballot question is approved by voters pursuant to that section. 67163
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67165

Sec. 5739.025. (A) A vendor shall compute the tax on each sale by multiplying the price by the aggregate rate of taxes in effect under sections 5739.02 and 5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code. The computation shall be carried out to three decimal places. If the result is a fractional amount of a cent, the calculated tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. A vendor may elect to compute the tax due on a transaction on an item or an invoice basis. 67166
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(B) In auditing a vendor, the tax commissioner shall consider the method prescribed by this section that was used by the vendor in determining and collecting the tax due under this chapter on taxable transactions. If the vendor correctly collects and remits the tax due under this chapter in accordance with the computation prescribed in division (A) of this section, the commissioner shall not assess any additional tax on those transactions. 67176
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~~(C)(1) With respect to a sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program, including all accessories attached to such aircraft, the tax shall be calculated pursuant to division (A) of this section, provided that the tax commissioner shall modify those calculations so that the maximum tax on each program aircraft is eight hundred dollars. In the case of a sale of a fractional interest that is less than one hundred per cent of the program aircraft, the tax charged on the transaction shall be eight hundred dollars~~ 67183
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~~multiplied by a fraction, the numerator of which is the percentage of ownership or possession in the aircraft being purchased in the transaction, and the denominator of which is one hundred per cent.~~

~~(2) Notwithstanding any other provision of law to the contrary, the tax calculated under division (C)(1) of this section and paid with respect to the sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program shall be credited to the general revenue fund.~~

Sec. 5739.026. (A) A board of county commissioners may levy a tax on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, at a rate of not more than one-half of one per cent and may increase the rate of an existing tax to not more than one-half of one per cent to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements to be distributed by the community improvements board in

accordance with section 307.283 and to pay principal, interest, 67222
and premium on bonds issued under section 307.284 of the Revised 67223
Code; 67224

(5) To provide additional revenue for the acquisition, 67225
construction, equipping, or repair of any specific permanent 67226
improvement or any class or group of permanent improvements, which 67227
improvement or class or group of improvements shall be enumerated 67228
in the resolution required by division (D) of this section, and to 67229
pay principal, interest, premium, and other costs associated with 67230
the issuance of bonds or notes in anticipation of bonds issued 67231
pursuant to Chapter 133. of the Revised Code for the acquisition, 67232
construction, equipping, or repair of the specific permanent 67233
improvement or class or group of permanent improvements; 67234

(6) To provide revenue for the implementation and operation 67235
of a 9-1-1 system in the county. If the tax is levied or the rate 67236
increased exclusively for such purpose, the tax shall not be 67237
levied or the rate increased for more than five years. At the end 67238
of the last year the tax is levied or the rate increased, any 67239
balance remaining in the special fund established for such purpose 67240
shall remain in that fund and be used exclusively for such purpose 67241
until the fund is completely expended, and, notwithstanding 67242
section 5705.16 of the Revised Code, the board of county 67243
commissioners shall not petition for the transfer of money from 67244
such special fund, and the tax commissioner shall not approve such 67245
a petition. 67246

If the tax is levied or the rate increased for such purpose 67247
for more than five years, the board of county commissioners also 67248
shall levy the tax or increase the rate of the tax for one or more 67249
of the purposes described in divisions (A)(1) to (5) of this 67250
section and shall prescribe the method for allocating the revenues 67251
from the tax each year in the manner required by division (C) of 67252
this section. 67253

(7) To provide additional revenue for the operation or maintenance of a detention facility, as that term is defined under division (F) of section 2921.01 of the Revised Code;	67254 67255 67256
(8) To provide revenue to finance the construction or renovation of a sports facility, but only if the tax is levied for that purpose in the manner prescribed by section 5739.028 of the Revised Code.	67257 67258 67259 67260
As used in division (A)(8) of this section:	67261
(a) "Sports facility" means a facility intended to house major league professional athletic teams.	67262 67263
(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.	67264 67265
(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county;	67266 67267 67268 67269 67270 67271
(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services;	67272 67273
(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code;	67274 67275 67276 67277
(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code.	67278 67279 67280
Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the	67281 67282 67283

payment of debt charges on bonds issued under section 755.17 of 67284
the Revised Code. 67285

The rate of tax shall be a multiple of ~~one-fourth or~~ 67286
~~one-tenth~~ one-twentieth of one per cent, unless a portion of the 67287
rate of an existing tax levied under section 5739.023 of the 67288
Revised Code has been reduced, and the rate of tax levied under 67289
this section has been increased, pursuant to section 5739.028 of 67290
the Revised Code, in which case the aggregate of the rates of tax 67291
levied under this section and section 5739.023 of the Revised Code 67292
shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of 67293
one per cent. 67294

The tax shall be levied and the rate increased pursuant to a 67295
resolution adopted by a majority of the members of the board. The 67296
board shall deliver a certified copy of the resolution to the tax 67297
commissioner, not later than the sixty-fifth day prior to the date 67298
on which the tax is to become effective, which shall be the first 67299
day of a calendar quarter. 67300

Prior to the adoption of any resolution to levy the tax or to 67301
increase the rate of tax exclusively for the purpose set forth in 67302
division (A)(3) of this section, the board of county commissioners 67303
shall conduct two public hearings on the resolution, the second 67304
hearing to be no fewer than three nor more than ten days after the 67305
first. Notice of the date, time, and place of the hearings shall 67306
be given by publication in a newspaper of general circulation in 67307
the county, or as provided in section 7.16 of the Revised Code, 67308
once a week on the same day of the week for two consecutive weeks. 67309
The second publication shall be no fewer than ten nor more than 67310
thirty days prior to the first hearing. Except as provided in 67311
division (E) of this section, the resolution shall be subject to a 67312
referendum as provided in sections 305.31 to 305.41 of the Revised 67313
Code. If the resolution is adopted as an emergency measure 67314
necessary for the immediate preservation of the public peace, 67315

health, or safety, it must receive an affirmative vote of all of 67316
the members of the board of county commissioners and shall state 67317
the reasons for the necessity. 67318

If the tax is for more than one of the purposes set forth in 67319
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 67320
is exclusively for one of the purposes set forth in division 67321
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 67322
section, the resolution shall not go into effect unless it is 67323
approved by a majority of the electors voting on the question of 67324
the tax. 67325

(B) The board of county commissioners shall adopt a 67326
resolution under section 351.02 of the Revised Code creating the 67327
convention facilities authority, or under section 307.283 of the 67328
Revised Code creating the community improvements board, before 67329
adopting a resolution levying a tax for the purpose of a 67330
convention facilities authority under division (A)(1) of this 67331
section or for the purpose of a community improvements board under 67332
division (A)(4) of this section. 67333

(C)(1) If the tax is to be used for more than one of the 67334
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 67335
of this section, the board of county commissioners shall establish 67336
the method that will be used to determine the amount or proportion 67337
of the tax revenue received by the county during each year that 67338
will be distributed for each of those purposes, including, if 67339
applicable, provisions governing the reallocation of a convention 67340
facilities authority's allocation if the authority is dissolved 67341
while the tax is in effect. The allocation method may provide that 67342
different proportions or amounts of the tax shall be distributed 67343
among the purposes in different years, but it shall clearly 67344
describe the method that will be used for each year. Except as 67345
otherwise provided in division (C)(2) of this section, the 67346
allocation method established by the board is not subject to 67347

amendment during the life of the tax. 67348

(2) Subsequent to holding a public hearing on the proposed 67349
amendment, the board of county commissioners may amend the 67350
allocation method established under division (C)(1) of this 67351
section for any year, if the amendment is approved by the 67352
governing board of each entity whose allocation for the year would 67353
be reduced by the proposed amendment. In the case of a tax that is 67354
levied for a continuing period of time, the board may not so amend 67355
the allocation method for any year before the sixth year that the 67356
tax is in effect. 67357

(a) If the additional revenues provided to the convention 67358
facilities authority are pledged by the authority for the payment 67359
of convention facilities authority revenue bonds for as long as 67360
such bonds are outstanding, no reduction of the authority's 67361
allocation of the tax shall be made for any year except to the 67362
extent that the reduced authority allocation, when combined with 67363
the authority's other revenues pledged for that purpose, is 67364
sufficient to meet the debt service requirements for that year on 67365
such bonds. 67366

(b) If the additional revenues provided to the county are 67367
pledged by the county for the payment of bonds or notes described 67368
in division (A)(4) or (5) of this section, for as long as such 67369
bonds or notes are outstanding, no reduction of the county's or 67370
the community improvements board's allocation of the tax shall be 67371
made for any year, except to the extent that the reduced county or 67372
community improvements board allocation is sufficient to meet the 67373
debt service requirements for that year on such bonds or notes. 67374

(c) If the additional revenues provided to the transit 67375
authority are pledged by the authority for the payment of revenue 67376
bonds issued under section 306.37 of the Revised Code, for as long 67377
as such bonds are outstanding, no reduction of the authority's 67378
allocation of tax shall be made for any year, except to the extent 67379

that the authority's reduced allocation, when combined with the 67380
authority's other revenues pledged for that purpose, is sufficient 67381
to meet the debt service requirements for that year on such bonds. 67382

(d) If the additional revenues provided to the county are 67383
pledged by the county for the payment of bonds or notes issued 67384
under section 133.60 of the Revised Code, for so long as the bonds 67385
or notes are outstanding, no reduction of the county's allocation 67386
of the tax shall be made for any year, except to the extent that 67387
the reduced county allocation is sufficient to meet the debt 67388
service requirements for that year on the bonds or notes. 67389

(D)(1) The resolution levying the tax or increasing the rate 67390
of tax shall state the rate of the tax or the rate of the 67391
increase; the purpose or purposes for which it is to be levied; 67392
the number of years for which it is to be levied or that it is for 67393
a continuing period of time; the allocation method required by 67394
division (C) of this section; and if required to be submitted to 67395
the electors of the county under division (A) of this section, the 67396
date of the election at which the proposal shall be submitted to 67397
the electors of the county, which shall be not less than ninety 67398
days after the certification of a copy of the resolution to the 67399
board of elections and, if the tax is to be levied exclusively for 67400
the purpose set forth in division (A)(3) of this section, shall 67401
not occur in August of any year. Upon certification of the 67402
resolution to the board of elections, the board of county 67403
commissioners shall notify the tax commissioner in writing of the 67404
levy question to be submitted to the electors. If approved by a 67405
majority of the electors, the tax shall become effective on the 67406
first day of a calendar quarter next following the sixty-fifth day 67407
following the date the board of county commissioners and tax 67408
commissioner receive from the board of elections the certification 67409
of the results of the election, except as provided in division (E) 67410
of this section. 67411

(2)(a) A resolution specifying that the tax is to be used 67412
exclusively for the purpose set forth in division (A)(3) of this 67413
section that is not adopted as an emergency measure may direct the 67414
board of elections to submit the question of levying the tax or 67415
increasing the rate of the tax to the electors of the county at a 67416
special election held on the date specified by the board of county 67417
commissioners in the resolution, provided that the election occurs 67418
not less than ninety days after the resolution is certified to the 67419
board of elections and the election is not held in August of any 67420
year. Upon certification of the resolution to the board of 67421
elections, the board of county commissioners shall notify the tax 67422
commissioner in writing of the levy question to be submitted to 67423
the electors. No resolution adopted under division (D)(2)(a) of 67424
this section shall go into effect unless approved by a majority of 67425
those voting upon it and, except as provided in division (E) of 67426
this section, not until the first day of a calendar quarter 67427
following the expiration of sixty-five days from the date the tax 67428
commissioner receives notice from the board of elections of the 67429
affirmative vote. 67430

(b) A resolution specifying that the tax is to be used 67431
exclusively for the purpose set forth in division (A)(3) of this 67432
section that is adopted as an emergency measure shall become 67433
effective as provided in division (A) of this section, but may 67434
direct the board of elections to submit the question of repealing 67435
the tax or increase in the rate of the tax to the electors of the 67436
county at the next general election in the county occurring not 67437
less than ninety days after the resolution is certified to the 67438
board of elections. Upon certification of the resolution to the 67439
board of elections, the board of county commissioners shall notify 67440
the tax commissioner in writing of the levy question to be 67441
submitted to the electors. The ballot question shall be the same 67442
as that prescribed in section 5739.022 of the Revised Code. The 67443
board of elections shall notify the board of county commissioners 67444

and the tax commissioner of the result of the election immediately 67445
after the result has been declared. If a majority of the qualified 67446
electors voting on the question of repealing the tax or increase 67447
in the rate of the tax vote for repeal of the tax or repeal of the 67448
increase, the board of county commissioners, on the first day of a 67449
calendar quarter following the expiration of sixty-five days after 67450
the date the board and tax commissioner received notice of the 67451
result of the election, shall, in the case of a repeal of the tax, 67452
cease to levy the tax, or, in the case of a repeal of an increase 67453
in the rate of the tax, cease to levy the increased rate and levy 67454
the tax at the rate at which it was imposed immediately prior to 67455
the increase in rate. 67456

(c) A board of county commissioners, by resolution, may 67457
reduce the rate of a tax levied exclusively for the purpose set 67458
forth in division (A)(3) of this section to a lower rate 67459
authorized by this section. Any such reduction shall be made 67460
effective on the first day of the calendar quarter next following 67461
the sixty-fifth day after the tax commissioner receives a 67462
certified copy of the resolution from the board. 67463

(E) If a vendor makes a sale in this state by printed catalog 67464
and the consumer computed the tax on the sale based on local rates 67465
published in the catalog, any tax levied or repealed or rate 67466
changed under this section shall not apply to such a sale until 67467
the first day of a calendar quarter following the expiration of 67468
one hundred twenty days from the date of notice by the tax 67469
commissioner pursuant to division (G) of this section. 67470

(F) The tax levied pursuant to this section shall be in 67471
addition to the tax levied by section 5739.02 of the Revised Code 67472
and any tax levied pursuant to section 5739.021 or 5739.023 of the 67473
Revised Code. 67474

A county that levies a tax pursuant to this section shall 67475
levy a tax at the same rate pursuant to section 5741.023 of the 67476

Revised Code. 67477

The additional tax levied by the county shall be collected 67478
pursuant to section 5739.025 of the Revised Code. 67479

Any tax levied pursuant to this section is subject to the 67480
exemptions provided in section 5739.02 of the Revised Code and in 67481
addition shall not be applicable to sales not within the taxing 67482
power of a county under the Constitution of the United States or 67483
the Ohio Constitution. 67484

(G) Upon receipt from a board of county commissioners of a 67485
certified copy of a resolution required by division (A) of this 67486
section, or from the board of elections a notice of the results of 67487
an election required by division (D)(1), (2)(a), (b), or (c) of 67488
this section, the tax commissioner shall provide notice of a tax 67489
rate change in a manner that is reasonably accessible to all 67490
affected vendors. The commissioner shall provide this notice at 67491
least sixty days prior to the effective date of the rate change. 67492
The commissioner, by rule, may establish the method by which 67493
notice will be provided. 67494

Sec. 5739.03. (A) Except as provided in section 5739.05 or 67495
section 5739.051 of the Revised Code, the tax imposed by or 67496
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 67497
the Revised Code shall be paid by the consumer to the vendor, and 67498
each vendor shall collect from the consumer, as a trustee for the 67499
state of Ohio, the full and exact amount of the tax payable on 67500
each taxable sale, in the manner and at the times provided as 67501
follows: 67502

(1) If the price is, at or prior to the provision of the 67503
service or the delivery of possession of the thing sold to the 67504
consumer, paid in currency passed from hand to hand by the 67505
consumer or the consumer's agent to the vendor or the vendor's 67506
agent, the vendor or the vendor's agent shall collect the tax with 67507

and at the same time as the price; 67508

(2) If the price is otherwise paid or to be paid, the vendor 67509
or the vendor's agent shall, at or prior to the provision of the 67510
service or the delivery of possession of the thing sold to the 67511
consumer, charge the tax imposed by or pursuant to section 67512
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 67513
the account of the consumer, which amount shall be collected by 67514
the vendor from the consumer in addition to the price. Such sale 67515
shall be reported on and the amount of the tax applicable thereto 67516
shall be remitted with the return for the period in which the sale 67517
is made, and the amount of the tax shall become a legal charge in 67518
favor of the vendor and against the consumer. 67519

(B)(1)(a) If any sale is claimed to be exempt under division 67520
(E) of section 5739.01 of the Revised Code or under section 67521
5739.02 of the Revised Code, with the exception of divisions 67522
(B)(1) to (11), (28), or ~~(56)~~(54) of section 5739.02 of the 67523
Revised Code, or if the consumer claims the transaction is not a 67524
taxable sale due to one or more of the exclusions provided under 67525
divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 67526
the consumer must provide to the vendor, and the vendor must 67527
obtain from the consumer, a certificate specifying the reason that 67528
the sale is not legally subject to the tax. The certificate shall 67529
be in such form, and shall be provided either in a hard copy form 67530
or electronic form, as the tax commissioner prescribes. 67531

(b) A vendor that obtains a fully completed exemption 67532
certificate from a consumer is relieved of liability for 67533
collecting and remitting tax on any sale covered by that 67534
certificate. If it is determined the exemption was improperly 67535
claimed, the consumer shall be liable for any tax due on that sale 67536
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 67537
5741. of the Revised Code. Relief under this division from 67538
liability does not apply to any of the following: 67539

- (i) A vendor that fraudulently fails to collect tax; 67540
- (ii) A vendor that solicits consumers to participate in the 67541
unlawful claim of an exemption; 67542
- (iii) A vendor that accepts an exemption certificate from a 67543
consumer that claims an exemption based on who purchases or who 67544
sells property or a service, when the subject of the transaction 67545
sought to be covered by the exemption certificate is actually 67546
received by the consumer at a location operated by the vendor in 67547
this state, and this state has posted to its web site an exemption 67548
certificate form that clearly and affirmatively indicates that the 67549
claimed exemption is not available in this state; 67550
- (iv) A vendor that accepts an exemption certificate from a 67551
consumer who claims a multiple points of use exemption under 67552
division (D) of section 5739.033 of the Revised Code, if the item 67553
purchased is tangible personal property, other than prewritten 67554
computer software. 67555
- (2) The vendor shall maintain records, including exemption 67556
certificates, of all sales on which a consumer has claimed an 67557
exemption, and provide them to the tax commissioner on request. 67558
- (3) The tax commissioner may establish an identification 67559
system whereby the commissioner issues an identification number to 67560
a consumer that is exempt from payment of the tax. The consumer 67561
must present the number to the vendor, if any sale is claimed to 67562
be exempt as provided in this section. 67563
- (4) If no certificate is provided or obtained within ninety 67564
days after the date on which such sale is consummated, it shall be 67565
presumed that the tax applies. Failure to have so provided or 67566
obtained a certificate shall not preclude a vendor, within one 67567
hundred twenty days after the tax commissioner gives written 67568
notice of intent to levy an assessment, from either establishing 67569
that the sale is not subject to the tax, or obtaining, in good 67570

faith, a fully completed exemption certificate. 67571

(5) Certificates need not be obtained nor provided where the 67572
identity of the consumer is such that the transaction is never 67573
subject to the tax imposed or where the item of tangible personal 67574
property sold or the service provided is never subject to the tax 67575
imposed, regardless of use, or when the sale is in interstate 67576
commerce. 67577

(6) If a transaction is claimed to be exempt under division 67578
(B)(13) of section 5739.02 of the Revised Code, the contractor 67579
shall obtain certification of the claimed exemption from the 67580
contractee. This certification shall be in addition to an 67581
exemption certificate provided by the contractor to the vendor. A 67582
contractee that provides a certification under this division shall 67583
be deemed to be the consumer of all items purchased by the 67584
contractor under the claim of exemption, if it is subsequently 67585
determined that the exemption is not properly claimed. The 67586
certification shall be in such form as the tax commissioner 67587
prescribes. 67588

(C) As used in this division, "contractee" means a person who 67589
seeks to enter or enters into a contract or agreement with a 67590
contractor or vendor for the construction of real property or for 67591
the sale and installation onto real property of tangible personal 67592
property. 67593

Any contractor or vendor may request from any contractee a 67594
certification of what portion of the property to be transferred 67595
under such contract or agreement is to be incorporated into the 67596
realty and what portion will retain its status as tangible 67597
personal property after installation is completed. The contractor 67598
or vendor shall request the certification by certified mail 67599
delivered to the contractee, return receipt requested. Upon 67600
receipt of such request and prior to entering into the contract or 67601
agreement, the contractee shall provide to the contractor or 67602

vendor a certification sufficiently detailed to enable the 67603
contractor or vendor to ascertain the resulting classification of 67604
all materials purchased or fabricated by the contractor or vendor 67605
and transferred to the contractee. This requirement applies to a 67606
contractee regardless of whether the contractee holds a direct 67607
payment permit under section 5739.031 of the Revised Code or 67608
provides to the contractor or vendor an exemption certificate as 67609
provided under this section. 67610

For the purposes of the taxes levied by this chapter and 67611
Chapter 5741. of the Revised Code, the contractor or vendor may in 67612
good faith rely on the contractee's certification. Notwithstanding 67613
division (B) of section 5739.01 of the Revised Code, if the tax 67614
commissioner determines that certain property certified by the 67615
contractee as tangible personal property pursuant to this division 67616
is, in fact, real property, the contractee shall be considered to 67617
be the consumer of all materials so incorporated into that real 67618
property and shall be liable for the applicable tax, and the 67619
contractor or vendor shall be excused from any liability on those 67620
materials. 67621

If a contractee fails to provide such certification upon the 67622
request of the contractor or vendor, the contractor or vendor 67623
shall comply with the provisions of this chapter and Chapter 5741. 67624
of the Revised Code without the certification. If the tax 67625
commissioner determines that such compliance has been performed in 67626
good faith and that certain property treated as tangible personal 67627
property by the contractor or vendor is, in fact, real property, 67628
the contractee shall be considered to be the consumer of all 67629
materials so incorporated into that real property and shall be 67630
liable for the applicable tax, and the construction contractor or 67631
vendor shall be excused from any liability on those materials. 67632

This division does not apply to any contract or agreement 67633
where the tax commissioner determines as a fact that a 67634

certification under this division was made solely on the decision 67635
or advice of the contractor or vendor. 67636

(D) Notwithstanding division (B) of section 5739.01 of the 67637
Revised Code, whenever the total rate of tax imposed under this 67638
chapter is increased after the date after a construction contract 67639
is entered into, the contractee shall reimburse the construction 67640
contractor for any additional tax paid on tangible property 67641
consumed or services received pursuant to the contract. 67642

(E) A vendor who files a petition for reassessment contesting 67643
the assessment of tax on sales for which the vendor obtained no 67644
valid exemption certificates and for which the vendor failed to 67645
establish that the sales were properly not subject to the tax 67646
during the one-hundred-twenty-day period allowed under division 67647
(B) of this section, may present to the tax commissioner 67648
additional evidence to prove that the sales were properly subject 67649
to a claim of exception or exemption. The vendor shall file such 67650
evidence within ninety days of the receipt by the vendor of the 67651
notice of assessment, except that, upon application and for 67652
reasonable cause, the period for submitting such evidence shall be 67653
extended thirty days. 67654

The commissioner shall consider such additional evidence in 67655
reaching the final determination on the assessment and petition 67656
for reassessment. 67657

(F) Whenever a vendor refunds the price, minus any separately 67658
stated delivery charge, of an item of tangible personal property 67659
on which the tax imposed under this chapter has been paid, the 67660
vendor shall also refund the amount of tax paid, minus the amount 67661
of tax attributable to the delivery charge. 67662

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 67663
administer sections 5739.01 to 5739.31 of the Revised Code, which 67664
are hereby declared to be sections which the commissioner is 67665

required to administer within the meaning of sections 5703.17 to 67666
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 67667
commissioner may adopt and promulgate, in accordance with sections 67668
119.01 to 119.13 of the Revised Code, such rules as the 67669
commissioner deems necessary to administer sections 5739.01 to 67670
5739.31 of the Revised Code. 67671

(2) On or before the first day of May of each year, the 67672
commissioner shall make available to vendors a notice explaining 67673
the three-day exemption period required under division (B)~~(56)~~(54) 67674
of section 5739.02 of the Revised Code. 67675

(B) Upon application, the commissioner may authorize a vendor 67676
to pay on a predetermined basis the tax levied by or pursuant to 67677
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 67678
Code upon sales of things produced or distributed or services 67679
provided by such vendor, and the commissioner may waive the 67680
collection of the tax from the consumer. The commissioner shall 67681
not grant such authority unless the commissioner finds that the 67682
granting of the authority would improve compliance and increase 67683
the efficiency of the administration of the tax. The person to 67684
whom such authority is granted shall post a notice, if required by 67685
the commissioner, at the location where the product is offered for 67686
sale that the tax is included in the selling price. The 67687
commissioner may adopt rules to administer this division. 67688

(C) Upon application, the commissioner may authorize a vendor 67689
to remit, on the basis of a prearranged agreement under this 67690
division, the tax levied by section 5739.02 or pursuant to section 67691
5739.021, 5739.023, or 5739.026 of the Revised Code. The 67692
proportions and ratios in a prearranged agreement shall be 67693
determined either by a test check conducted by the commissioner 67694
under terms and conditions agreed to by the commissioner and the 67695
vendor or by any other method agreed upon by the vendor and the 67696

commissioner. If the parties are unable to agree to the terms and conditions of the test check or other method, the application shall be denied.

If used, the test check shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code bears to the receipts from the vendor's taxable retail sales.

The vendor's liability for remitting the tax shall be based solely upon the proportions and ratios established in the agreement until such time that the vendor or the commissioner believes that the nature of the vendor's business has so changed as to make the agreement no longer representative. The commissioner may give notice to the vendor at any time that the authorization is revoked or the vendor may notify the commissioner that the vendor no longer elects to report under the authorization. Such notice shall be delivered to the other party personally or by registered mail. The revocation or cancellation is effective the last day of the month in which the vendor or the commissioner receives the notice.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to

section 5703.47 of the Revised Code. Except as provided in 67728
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 67729
and (12) of this section, the regulations shall provide, after 67730
deducting the real and actual costs of administering the tax, for 67731
the return to each municipal corporation or township that does not 67732
levy an excise tax on the transactions, a uniform percentage of 67733
the tax collected in the municipal corporation or in the 67734
unincorporated portion of the township from each transaction, not 67735
to exceed thirty-three and one-third per cent. The remainder of 67736
the revenue arising from the tax shall be deposited in a separate 67737
fund and shall be spent solely to make contributions to the 67738
convention and visitors' bureau operating within the county, 67739
including a pledge and contribution of any portion of the 67740
remainder pursuant to an agreement authorized by section 307.678 67741
or 307.695 of the Revised Code, provided that if the board of 67742
county commissioners of an eligible county as defined in section 67743
307.678 or 307.695 of the Revised Code adopts a resolution 67744
amending a resolution levying a tax under this division to provide 67745
that revenue from the tax shall be used by the board as described 67746
in either division (D) of section 307.678 or division (H) of 67747
section 307.695 of the Revised Code, the remainder of the revenue 67748
shall be used as described in the resolution making that 67749
amendment. Except as provided in division (A)(2), (3), (4), (5), 67750
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 67751
after May 10, 1994, a board of county commissioners may not levy 67752
an excise tax pursuant to this division in any municipal 67753
corporation or township located wholly or partly within the county 67754
that has in effect an ordinance or resolution levying an excise 67755
tax pursuant to division (B) of this section. The board of a 67756
county that has levied a tax under division (C) of this section 67757
may, by resolution adopted within ninety days after July 15, 1985, 67758
by a majority of the members of the board, amend the resolution 67759

levying a tax under this division to provide for a portion of that 67760
tax to be pledged and contributed in accordance with an agreement 67761
entered into under section 307.695 of the Revised Code. A tax, any 67762
revenue from which is pledged pursuant to such an agreement, shall 67763
remain in effect at the rate at which it is imposed for the 67764
duration of the period for which the revenue from the tax has been 67765
so pledged. 67766

The board of county commissioners of an eligible county as 67767
defined in section 307.695 of the Revised Code may, by resolution 67768
adopted by a majority of the members of the board, amend a 67769
resolution levying a tax under this division to provide that the 67770
revenue from the tax shall be used by the board as described in 67771
division (H) of section 307.695 of the Revised Code, in which case 67772
the tax shall remain in effect at the rate at which it was imposed 67773
for the duration of any agreement entered into by the board under 67774
section 307.695 of the Revised Code, the duration during which any 67775
securities issued by the board under that section are outstanding, 67776
or the duration of the period during which the board owns a 67777
project as defined in section 307.695 of the Revised Code, 67778
whichever duration is longest. 67779

The board of county commissioners of an eligible county as 67780
defined in section 307.678 of the Revised Code may, by resolution, 67781
amend a resolution levying a tax under this division to provide 67782
that revenue from the tax, not to exceed five hundred thousand 67783
dollars each year, may be used as described in division (E) of 67784
section 307.678 of the Revised Code. 67785

Notwithstanding division (A)(1) of this section, the board of 67786
county commissioners of a county described in division (A)(8)(a) 67787
of this section may, by resolution, amend a resolution levying a 67788
tax under this division to provide that all or a portion of the 67789
revenue from the tax, including any revenue otherwise required to 67790

be returned to townships or municipal corporations under this 67791
division, may be used or pledged for the payment of debt service 67792
on securities issued to pay the costs of constructing, operating, 67793
and maintaining sports facilities described in division (A)(8)(b) 67794
of this section. 67795

The board of county commissioners of a county described in 67796
division (A)(9) of this section may, by resolution, amend a 67797
resolution levying a tax under this division to provide that all 67798
or a portion of the revenue from the tax may be used for the 67799
purposes described in section 307.679 of the Revised Code. 67800

(2) A board of county commissioners that levies an excise tax 67801
under division (A)(1) of this section on June 30, 1997, at a rate 67802
of three per cent, and that has pledged revenue from the tax to an 67803
agreement entered into under section 307.695 of the Revised Code 67804
or, in the case of the board of county commissioners of an 67805
eligible county as defined in section 307.695 of the Revised Code, 67806
has amended a resolution levying a tax under division (C) of this 67807
section to provide that proceeds from the tax shall be used by the 67808
board as described in division (H) of section 307.695 of the 67809
Revised Code, may, at any time by a resolution adopted by a 67810
majority of the members of the board, amend the resolution levying 67811
a tax under division (A)(1) of this section to provide for an 67812
increase in the rate of that tax up to seven per cent on each 67813
transaction; to provide that revenue from the increase in the rate 67814
shall be used as described in division (H) of section 307.695 of 67815
the Revised Code or be spent solely to make contributions to the 67816
convention and visitors' bureau operating within the county to be 67817
used specifically for promotion, advertising, and marketing of the 67818
region in which the county is located; and to provide that the 67819
rate in excess of the three per cent levied under division (A)(1) 67820
of this section shall remain in effect at the rate at which it is 67821
imposed for the duration of the period during which any agreement 67822

is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds,

or notes in anticipation of bonds, issued by the authority under 67854
Chapter 351. of the Revised Code to which the revenue is pledged, 67855
remain outstanding in accordance with their terms, unless 67856
provision is made by law or by the board of county commissioners 67857
for an adequate substitute therefor that is satisfactory to the 67858
trustee if a trust agreement secures the bonds. 67859

Division (A)(3) of this section does not apply to the board 67860
of county commissioners of any county in which a convention center 67861
or facility exists or is being constructed on November 15, 1998, 67862
or of any county in which a convention facilities authority levies 67863
a tax pursuant to section 351.021 of the Revised Code on that 67864
date. 67865

As used in division (A)(3) of this section, "cost" and 67866
"facility" have the same meanings as in section 351.01 of the 67867
Revised Code, and "convention center" has the same meaning as in 67868
section 307.695 of the Revised Code. 67869

(4)(a) A board of county commissioners that levies a tax 67870
under division (A)(1) of this section on June 30, 2002, at a rate 67871
of three per cent may, by resolution adopted not later than 67872
September 30, 2002, amend the resolution levying the tax to 67873
provide for all of the following: 67874

(i) That the rate of the tax shall be increased by not more 67875
than an additional three and one-half per cent on each 67876
transaction; 67877

(ii) That all of the revenue from the increase in rate shall 67878
be pledged and contributed to a convention facilities authority 67879
established by the board of county commissioners under Chapter 67880
351. of the Revised Code on or before May 15, 2002, and be used to 67881
pay costs of constructing, expanding, maintaining, operating, or 67882
promoting a convention center in the county, including paying 67883
bonds, or notes issued in anticipation of bonds, as provided by 67884

that chapter; 67885

(iii) That no portion of the revenue arising from the 67886
increase in rate need be returned to municipal corporations or 67887
townships as otherwise required under division (A)(1) of this 67888
section; 67889

(iv) That the increase in rate shall not be subject to 67890
diminution by initiative or referendum or by law while any bonds, 67891
or notes in anticipation of bonds, issued by the authority under 67892
Chapter 351. of the Revised Code to which the revenue is pledged, 67893
remain outstanding in accordance with their terms, unless 67894
provision is made by law or by the board of county commissioners 67895
for an adequate substitute therefor that is satisfactory to the 67896
trustee if a trust agreement secures the bonds. 67897

(b) Any board of county commissioners that, pursuant to 67898
division (A)(4)(a) of this section, has amended a resolution 67899
levying the tax authorized by division (A)(1) of this section may 67900
further amend the resolution to provide that the revenue referred 67901
to in division (A)(4)(a)(ii) of this section shall be pledged and 67902
contributed both to a convention facilities authority to pay the 67903
costs of constructing, expanding, maintaining, or operating one or 67904
more convention centers in the county, including paying bonds, or 67905
notes issued in anticipation of bonds, as provided in Chapter 351. 67906
of the Revised Code, and to a convention and visitors' bureau to 67907
pay the costs of promoting one or more convention centers in the 67908
county. 67909

As used in division (A)(4) of this section, "cost" has the 67910
same meaning as in section 351.01 of the Revised Code, and 67911
"convention center" has the same meaning as in section 307.695 of 67912
the Revised Code. 67913

(5)(a) As used in division (A)(5) of this section: 67914

(i) "Port authority" means a port authority created under 67915

Chapter 4582. of the Revised Code. 67916

(ii) "Port authority military-use facility" means port 67917
authority facilities on which or adjacent to which is located an 67918
installation of the armed forces of the United States, a reserve 67919
component thereof, or the national guard and at least part of 67920
which is made available for use, for consideration, by the armed 67921
forces of the United States, a reserve component thereof, or the 67922
national guard. 67923

(b) For the purpose of contributing revenue to pay operating 67924
expenses of a port authority that operates a port authority 67925
military-use facility, the board of county commissioners of a 67926
county that created, participated in the creation of, or has 67927
joined such a port authority may do one or both of the following: 67928

(i) Amend a resolution previously adopted under division 67929
(A)(1) of this section to designate some or all of the revenue 67930
from the tax levied under the resolution to be used for that 67931
purpose, notwithstanding that division; 67932

(ii) Amend a resolution previously adopted under division 67933
(A)(1) of this section to increase the rate of the tax by not more 67934
than an additional two per cent and use the revenue from the 67935
increase exclusively for that purpose. 67936

(c) If a board of county commissioners amends a resolution to 67937
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 67938
of this section, the board also may amend the resolution to 67939
specify that the increase in rate of the tax does not apply to 67940
"hotels," as otherwise defined in section 5739.01 of the Revised 67941
Code, having fewer rooms used for the accommodation of guests than 67942
a number of rooms specified by the board. 67943

(6) A board of county commissioners of a county organized 67944
under a county charter adopted pursuant to Article X, Section 3, 67945
Ohio Constitution, and that levies an excise tax under division 67946

(A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(7) Division (A)(7) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A)(1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

The board of county commissioners of a county to which this 67979
division applies, by resolution adopted by a majority of the 67980
members of the board, may increase the rate of the tax by not more 67981
than one per cent on transactions by which lodging by a hotel is 67982
or is to be furnished to transient guests. The increase in rate 67983
shall be for the purpose of paying expenses deemed necessary by 67984
the convention and visitors' bureau operating in the county to 67985
promote travel and tourism. The increase in rate shall remain in 67986
effect for the period specified in the resolution, not to exceed 67987
twenty years, provided that the increase in rate may not continue 67988
beyond the time when the purpose for which the increase is levied 67989
ceases to exist. If revenue from the increase in rate is pledged 67990
to the payment of debt charges on securities, the increase in rate 67991
is not subject to diminution by initiative or referendum or by law 67992
for so long as the securities are outstanding, unless provision is 67993
made by law or by the board of county commissioners for an 67994
adequate substitute for that revenue that is satisfactory to the 67995
trustee if a trust agreement secures payment of the debt charges. 67996
The increase in rate shall be subject to the regulations adopted 67997
under division (A)(1) of this section, except that the resolution 67998
may provide that no portion of the revenue from the increase in 67999
the rate shall be returned to townships or municipal corporations 68000
as would otherwise be required under division (A)(1) of this 68001
section. A resolution adopted under division (A)(7) of this 68002
section is subject to referendum under sections 305.31 to 305.99 68003
of the Revised Code. 68004

(8)(a) Division (A)(8) of this section applies only to a 68005
county satisfying all of the following: 68006

(i) The population of the county is greater than one hundred 68007
seventy-five thousand and less than two hundred twenty-five 68008
thousand according to the most recent federal decennial census. 68009

(ii) An amusement park with an average yearly attendance in 68010

excess of two million guests is located in the county. 68011

(iii) On December 31, 2014, an excise tax was levied in the 68012
county under division (A)(1) of this section at a rate of three 68013
per cent. 68014

(b) The board of county commissioners of a county to which 68015
this division applies, by resolution adopted by a majority of the 68016
members of the board, may increase the rate of the tax by not more 68017
than one per cent on transactions by which lodging by a hotel is 68018
or is to be furnished to transient guests. The increase in rate 68019
shall be used to pay the costs of constructing and maintaining 68020
facilities owned by the county or by a port authority created 68021
under Chapter 4582. of the Revised Code, and designed to host 68022
sporting events and expenses deemed necessary by the convention 68023
and visitors' bureau operating in the county to promote travel and 68024
tourism with reference to the sports facilities, and to pay or 68025
pledge to the payment of debt service on securities issued to pay 68026
the costs of constructing, operating, and maintaining the sports 68027
facilities. The increase in rate shall remain in effect for the 68028
period specified in the resolution. If revenue from the increase 68029
in rate is pledged to the payment of debt charges on securities, 68030
the increase in rate is not subject to diminution by initiative or 68031
referendum or by law for so long as the securities are 68032
outstanding, unless provision is made by law or by the board of 68033
county commissioners for an adequate substitute for that revenue 68034
that is satisfactory to the trustee if a trust agreement secures 68035
payment of the debt charges. The increase in rate shall be subject 68036
to the regulations adopted under division (A)(1) of this section, 68037
except that the resolution may provide that no portion of the 68038
revenue from the increase in the rate shall be returned to 68039
townships or municipal corporations as would otherwise be required 68040
under division (A)(1) of this section. 68041

(9) The board of county commissioners of a county with a 68042

population greater than seventy-five thousand and less than 68043
seventy-eight thousand, by resolution adopted by a majority of the 68044
members of the board not later than October 15, 2015, may increase 68045
the rate of the tax by not more than one per cent on transactions 68046
by which lodging by a hotel is or is to be furnished to transient 68047
guests. The increase in rate shall be for the purposes described 68048
in section 307.679 of the Revised Code or for the promotion of 68049
travel and tourism in the county, including travel and tourism to 68050
sports facilities. The increase in rate shall remain in effect for 68051
the period specified in the resolution and as necessary to fulfill 68052
the county's obligations under a cooperative agreement entered 68053
into under section 307.679 of the Revised Code. If the resolution 68054
is adopted by the board before September 29, 2015, but after that 68055
enactment becomes law, the increase in rate shall become effective 68056
beginning on September 29, 2015. If revenue from the increase in 68057
rate is pledged to the payment of debt charges on securities, or 68058
to substitute for other revenues pledged to the payment of such 68059
debt, the increase in rate is not subject to diminution by 68060
initiative or referendum or by law for so long as the securities 68061
are outstanding, unless provision is made by law or by the board 68062
of county commissioners for an adequate substitute for that 68063
revenue that is satisfactory to the trustee if a trust agreement 68064
secures payment of the debt charges. The increase in rate shall be 68065
subject to the regulations adopted under division (A)(1) of this 68066
section, except that no portion of the revenue from the increase 68067
in the rate shall be returned to townships or municipal 68068
corporations as would otherwise be required under division (A)(1) 68069
of this section. 68070

(10) Division (A)(10) of this section applies only to 68071
counties satisfying either of the following: 68072

(a) A county that, on July 1, 2015, does not levy an excise 68073
tax under division (A)(1) of this section and that has a 68074

population of at least thirty-nine thousand but not more than 68075
forty thousand according to the 2010 federal decennial census; 68076

(b) A county that, on July 1, 2015, levies an excise tax 68077
under division (A)(1) of this section at a rate of three per cent 68078
and that has a population of at least seventy-one thousand but not 68079
more than seventy-five thousand according to 2010 federal 68080
decennial census. 68081

The board of county commissioners of a county to which 68082
division (A)(10) of this section applies, by resolution adopted by 68083
a majority of the members of the board, may levy an excise tax at 68084
a rate not to exceed three per cent on transactions by which 68085
lodging by a hotel is or is to be furnished to transient guests 68086
for the purpose of acquiring, constructing, equipping, or 68087
repairing permanent improvements, as defined in section 133.01 of 68088
the Revised Code. If the board does not levy a tax under division 68089
(A)(1) of this section, the board shall establish regulations 68090
necessary to provide for the administration of the tax, which may 68091
prescribe the time for payment of the tax and the imposition of 68092
penalty or interest subject to the limitations on penalty and 68093
interest provided in division (A)(1) of this section. No portion 68094
of the revenue shall be returned to townships or municipal 68095
corporations in the county unless otherwise provided by resolution 68096
of the board. The tax shall apply throughout the territory of the 68097
county, including in any township or municipal corporation levying 68098
an excise tax under division (B) of this section or division (A) 68099
of section 5739.08 of the Revised Code. The levy of the tax is 68100
subject to referendum as provided under section 305.31 of the 68101
Revised Code. 68102

The tax shall remain in effect for the period specified in 68103
the resolution. If revenue from the increase in rate is pledged to 68104
the payment of debt charges on securities, the increase in rate is 68105
not subject to diminution by initiative or referendum or by law 68106

for so long as the securities are outstanding unless provision is 68107
made by law or by the board for an adequate substitute for that 68108
revenue that is satisfactory to the trustee if a trust agreement 68109
secures payment of the debt charges. 68110

(11) The board of county commissioners of an eligible county, 68111
as defined in section 307.678 of the Revised Code, that levies an 68112
excise tax under division (A)(1) of this section on July 1, 2017, 68113
at a rate of three per cent may, by resolution adopted by a 68114
majority of the members of the board, amend the resolution levying 68115
the tax to increase the rate of the tax by not more than an 68116
additional three per cent on each transaction. No portion of the 68117
revenue shall be returned to townships or municipal corporations 68118
in the county unless otherwise provided by resolution of the 68119
board. Otherwise, the revenue from the increase in the rate shall 68120
be distributed and used in the same manner described under 68121
division (A)(1) of this section or distributed or used to provide 68122
credit enhancement facilities as authorized under section 307.678 68123
of the Revised Code. The increase in rate shall remain in effect 68124
for the period specified in the resolution. If revenue from the 68125
increase in rate is pledged to the payment of debt charges on 68126
securities, the increase in rate is not subject to diminution by 68127
initiative or referendum or by law for so long as the securities 68128
are outstanding unless provision is made by law or by the board 68129
for an adequate substitute for that revenue that is satisfactory 68130
to the trustee if a trust agreement secures payment of the debt 68131
charges. 68132

(12)(a) As used in this division: 68133

(i) "Eligible county" means a county that has a population 68134
greater than one hundred ninety thousand and less than two hundred 68135
thousand according to the 2010 federal decennial census and that 68136
levies an excise tax under division (A)(1) of this section at a 68137
rate of three per cent. 68138

(ii) "Professional sports facility" means a sports facility 68139
that is intended to house major or minor league professional 68140
athletic teams, including a stadium, together with all parking 68141
facilities, walkways, and other auxiliary facilities, real and 68142
personal property, property rights, easements, and interests that 68143
may be appropriate for, or used in connection with, the operation 68144
of the facility. 68145

(b) Subject to division (A)(12)(c) of this section, the board 68146
of county commissioners of an eligible county, by resolution 68147
adopted by a majority of the members of the board, may increase 68148
the rate of the tax by not more than one per cent on transactions 68149
by which lodging by a hotel is or is to be furnished to transient 68150
guests. Revenue from the increase in rate shall be used for the 68151
purposes of paying the costs of constructing, improving, and 68152
maintaining a professional sports facility in the county and 68153
paying expenses considered necessary by the convention and 68154
visitors' bureau operating in the county to promote travel and 68155
tourism with respect to that professional sports facility. The tax 68156
shall take effect only after the convention and visitors' bureau 68157
enters into a contract for the construction, improvement, or 68158
maintenance of a professional sports facility that is or will be 68159
located on property acquired, in whole or in part, with revenue 68160
from the increased rate, and thereafter shall remain in effect for 68161
the period specified in the resolution. If revenue from the 68162
increase in rate is pledged to the payment of debt charges on 68163
securities, the increase in rate is not subject to diminution by 68164
initiative or referendum or by law for so long as the securities 68165
are outstanding, unless a provision is made by law or by the board 68166
of county commissioners for an adequate substitute for that 68167
revenue that is satisfactory to the trustee if a trust agreement 68168
secures payment of the debt charges. The increase in rate shall be 68169
subject to the regulations adopted under division (A)(1) of this 68170
section, except that the resolution may provide that no portion of 68171

the revenue from the increase in the rate shall be returned to 68172
townships or municipal corporations as would otherwise be required 68173
under division (A)(1) of this section. 68174

(c) If, on December 31, 2019, the convention and visitors' 68175
bureau has not entered into a contract for the construction, 68176
improvement, or maintenance of a professional sports facility that 68177
is or will be located on property acquired, in whole or in part, 68178
with revenue from the increased rate, the authority to levy the 68179
tax under division (A)(12)(b) of this section is hereby repealed 68180
on that date. 68181

(B)(1) The legislative authority of a municipal corporation 68182
or the board of trustees of a township that is not wholly or 68183
partly located in a county that has in effect a resolution levying 68184
an excise tax pursuant to division (A)(1) of this section may, by 68185
ordinance or resolution, levy an excise tax not to exceed three 68186
per cent on transactions by which lodging by a hotel is or is to 68187
be furnished to transient guests. The legislative authority of the 68188
municipal corporation or the board of trustees of the township 68189
shall deposit at least fifty per cent of the revenue from the tax 68190
levied pursuant to this division into a separate fund, which shall 68191
be spent solely to make contributions to convention and visitors' 68192
bureaus operating within the county in which the municipal 68193
corporation or township is wholly or partly located, and the 68194
balance of that revenue shall be deposited in the general fund. 68195
The municipal corporation or township shall establish all 68196
regulations necessary to provide for the administration and 68197
allocation of the tax. The regulations may prescribe the time for 68198
payment of the tax, and may provide for the imposition of a 68199
penalty or interest, or both, for late payments, provided that the 68200
penalty does not exceed ten per cent of the amount of tax due, and 68201
the rate at which interest accrues does not exceed the rate per 68202
annum prescribed pursuant to section 5703.47 of the Revised Code. 68203

The levy of a tax under this division is in addition to any tax 68204
imposed on the same transaction by a municipal corporation or a 68205
township as authorized by division (A) of section 5739.08 of the 68206
Revised Code. 68207

(2)(a) The legislative authority of the most populous 68208
municipal corporation located wholly or partly in a county in 68209
which the board of county commissioners has levied a tax under 68210
division (A)(4) of this section may amend, on or before September 68211
30, 2002, that municipal corporation's ordinance or resolution 68212
that levies an excise tax on transactions by which lodging by a 68213
hotel is or is to be furnished to transient guests, to provide for 68214
all of the following: 68215

(i) That the rate of the tax shall be increased by not more 68216
than an additional one per cent on each transaction; 68217

(ii) That all of the revenue from the increase in rate shall 68218
be pledged and contributed to a convention facilities authority 68219
established by the board of county commissioners under Chapter 68220
351. of the Revised Code on or before May 15, 2002, and be used to 68221
pay costs of constructing, expanding, maintaining, operating, or 68222
promoting a convention center in the county, including paying 68223
bonds, or notes issued in anticipation of bonds, as provided by 68224
that chapter; 68225

(iii) That the increase in rate shall not be subject to 68226
diminution by initiative or referendum or by law while any bonds, 68227
or notes in anticipation of bonds, issued by the authority under 68228
Chapter 351. of the Revised Code to which the revenue is pledged, 68229
remain outstanding in accordance with their terms, unless 68230
provision is made by law, by the board of county commissioners, or 68231
by the legislative authority, for an adequate substitute therefor 68232
that is satisfactory to the trustee if a trust agreement secures 68233
the bonds. 68234

(b) The legislative authority of a municipal corporation 68235
that, pursuant to division (B)(2)(a) of this section, has amended 68236
its ordinance or resolution to increase the rate of the tax 68237
authorized by division (B)(1) of this section may further amend 68238
the ordinance or resolution to provide that the revenue referred 68239
to in division (B)(2)(a)(ii) of this section shall be pledged and 68240
contributed both to a convention facilities authority to pay the 68241
costs of constructing, expanding, maintaining, or operating one or 68242
more convention centers in the county, including paying bonds, or 68243
notes issued in anticipation of bonds, as provided in Chapter 351. 68244
of the Revised Code, and to a convention and visitors' bureau to 68245
pay the costs of promoting one or more convention centers in the 68246
county. 68247

As used in division (B)(2) of this section, "cost" has the 68248
same meaning as in section 351.01 of the Revised Code, and 68249
"convention center" has the same meaning as in section 307.695 of 68250
the Revised Code. 68251

(3) The legislative authority of an eligible municipal 68252
corporation may amend, on or before December 31, 2017, that 68253
municipal corporation's ordinance or resolution that levies an 68254
excise tax on transactions by which lodging by a hotel is or is to 68255
be furnished to transient guests, to provide for the following: 68256

(a) That the rate of the tax shall be increased by not more 68257
than an additional three per cent on each transaction; 68258

(b) That all of the revenue from the increase in rate shall 68259
be used by the municipal corporation for economic development and 68260
tourism-related purposes. 68261

As used in division (B)(3) of this section, "eligible 68262
municipal corporation" means a municipal corporation that, on the 68263
effective date of the amendment of this section by H.B. 49 of the 68264
132nd general assembly, September 29, 2017, levied a tax under 68265

division (B)(1) of this section at a rate of three per cent and 68266
that is located in a county that, on that date, levied a tax under 68267
division (A) of this section at a rate of three per cent and that 68268
has, according to the most recent federal decennial census, a 68269
population exceeding three hundred thousand but not greater than 68270
three hundred fifty thousand. 68271

(C) For the purposes described in section 307.695 of the 68272
Revised Code and to cover the costs of administering the tax, a 68273
board of county commissioners of a county where a tax imposed 68274
under division (A)(1) of this section is in effect may, by 68275
resolution adopted within ninety days after July 15, 1985, by a 68276
majority of the members of the board, levy an additional excise 68277
tax not to exceed three per cent on transactions by which lodging 68278
by a hotel is or is to be furnished to transient guests. The tax 68279
authorized by this division shall be in addition to any tax that 68280
is levied pursuant to division (A) of this section, but it shall 68281
not apply to transactions subject to a tax levied by a municipal 68282
corporation or township pursuant to the authorization granted by 68283
division (A) of section 5739.08 of the Revised Code. The board 68284
shall establish all regulations necessary to provide for the 68285
administration and allocation of the tax. The regulations may 68286
prescribe the time for payment of the tax, and may provide for the 68287
imposition of a penalty or interest, or both, for late payments, 68288
provided that the penalty does not exceed ten per cent of the 68289
amount of tax due, and the rate at which interest accrues does not 68290
exceed the rate per annum prescribed pursuant to section 5703.47 68291
of the Revised Code. All revenues arising from the tax shall be 68292
expended in accordance with section 307.695 of the Revised Code. 68293
The board of county commissioners of an eligible county as defined 68294
in section 307.695 of the Revised Code may, by resolution adopted 68295
by a majority of the members of the board, amend the resolution 68296
levying a tax under this division to provide that the revenue from 68297
the tax shall be used by the board as described in division (H) of 68298

section 307.695 of the Revised Code. A tax imposed under this 68299
division shall remain in effect at the rate at which it is imposed 68300
for the duration of the period during which any agreement entered 68301
into by the board under section 307.695 of the Revised Code is in 68302
effect, the duration of the period during which any securities 68303
issued by the board under division (I) of section 307.695 of the 68304
Revised Code are outstanding, or the duration of the period during 68305
which the board owns a project as defined in section 307.695 of 68306
the Revised Code, whichever duration is longest. 68307

(D) For the purpose of providing contributions under division 68308
(B)(1) of section 307.671 of the Revised Code to enable the 68309
acquisition, construction, and equipping of a port authority 68310
educational and cultural facility in the county and, to the extent 68311
provided for in the cooperative agreement authorized by that 68312
section, for the purpose of paying debt service charges on bonds, 68313
or notes in anticipation of bonds, described in division (B)(1)(b) 68314
of that section, a board of county commissioners, by resolution 68315
adopted within ninety days after December 22, 1992, by a majority 68316
of the members of the board, may levy an additional excise tax not 68317
to exceed one and one-half per cent on transactions by which 68318
lodging by a hotel is or is to be furnished to transient guests. 68319
The excise tax authorized by this division shall be in addition to 68320
any tax that is levied pursuant to divisions (A), (B), and (C) of 68321
this section, to any excise tax levied pursuant to section 5739.08 68322
of the Revised Code, and to any excise tax levied pursuant to 68323
section 351.021 of the Revised Code. The board of county 68324
commissioners shall establish all regulations necessary to provide 68325
for the administration and allocation of the tax that are not 68326
inconsistent with this section or section 307.671 of the Revised 68327
Code. The regulations may prescribe the time for payment of the 68328
tax, and may provide for the imposition of a penalty or interest, 68329
or both, for late payments, provided that the penalty does not 68330
exceed ten per cent of the amount of tax due, and the rate at 68331

which interest accrues does not exceed the rate per annum 68332
prescribed pursuant to section 5703.47 of the Revised Code. All 68333
revenues arising from the tax shall be expended in accordance with 68334
section 307.671 of the Revised Code and division (D) of this 68335
section. The levy of a tax imposed under this division may not 68336
commence prior to the first day of the month next following the 68337
execution of the cooperative agreement authorized by section 68338
307.671 of the Revised Code by all parties to that agreement. The 68339
tax shall remain in effect at the rate at which it is imposed for 68340
the period of time described in division (C) of section 307.671 of 68341
the Revised Code for which the revenue from the tax has been 68342
pledged by the county to the corporation pursuant to that section, 68343
but, to any extent provided for in the cooperative agreement, for 68344
no lesser period than the period of time required for payment of 68345
the debt service charges on bonds, or notes in anticipation of 68346
bonds, described in division (B)(1)(b) of that section. 68347

(E) For the purpose of paying the costs of acquiring, 68348
constructing, equipping, and improving a municipal educational and 68349
cultural facility, including debt service charges on bonds 68350
provided for in division (B) of section 307.672 of the Revised 68351
Code, and for any additional purposes determined by the county in 68352
the resolution levying the tax or amendments to the resolution, 68353
including subsequent amendments providing for paying costs of 68354
acquiring, constructing, renovating, rehabilitating, equipping, 68355
and improving a port authority educational and cultural performing 68356
arts facility, as defined in section 307.674 of the Revised Code, 68357
and including debt service charges on bonds provided for in 68358
division (B) of section 307.674 of the Revised Code, the 68359
legislative authority of a county, by resolution adopted within 68360
ninety days after June 30, 1993, by a majority of the members of 68361
the legislative authority, may levy an additional excise tax not 68362
to exceed one and one-half per cent on transactions by which 68363
lodging by a hotel is or is to be furnished to transient guests. 68364

The excise tax authorized by this division shall be in addition to 68365
any tax that is levied pursuant to divisions (A), (B), (C), and 68366
(D) of this section, to any excise tax levied pursuant to section 68367
5739.08 of the Revised Code, and to any excise tax levied pursuant 68368
to section 351.021 of the Revised Code. The legislative authority 68369
of the county shall establish all regulations necessary to provide 68370
for the administration and allocation of the tax. The regulations 68371
may prescribe the time for payment of the tax, and may provide for 68372
the imposition of a penalty or interest, or both, for late 68373
payments, provided that the penalty does not exceed ten per cent 68374
of the amount of tax due, and the rate at which interest accrues 68375
does not exceed the rate per annum prescribed pursuant to section 68376
5703.47 of the Revised Code. All revenues arising from the tax 68377
shall be expended in accordance with section 307.672 of the 68378
Revised Code and this division. The levy of a tax imposed under 68379
this division shall not commence prior to the first day of the 68380
month next following the execution of the cooperative agreement 68381
authorized by section 307.672 of the Revised Code by all parties 68382
to that agreement. The tax shall remain in effect at the rate at 68383
which it is imposed for the period of time determined by the 68384
legislative authority of the county. That period of time shall not 68385
exceed fifteen years, except that the legislative authority of a 68386
county with a population of less than two hundred fifty thousand 68387
according to the most recent federal decennial census, by 68388
resolution adopted by a majority of its members before the 68389
original tax expires, may extend the duration of the tax for an 68390
additional period of time. The additional period of time by which 68391
a legislative authority extends a tax levied under this division 68392
shall not exceed fifteen years. 68393

(F) The legislative authority of a county that has levied a 68394
tax under division (E) of this section may, by resolution adopted 68395
within one hundred eighty days after January 4, 2001, by a 68396
majority of the members of the legislative authority, amend the 68397

resolution levying a tax under that division to provide for the 68398
use of the proceeds of that tax, to the extent that it is no 68399
longer needed for its original purpose as determined by the 68400
parties to a cooperative agreement amendment pursuant to division 68401
(D) of section 307.672 of the Revised Code, to pay costs of 68402
acquiring, constructing, renovating, rehabilitating, equipping, 68403
and improving a port authority educational and cultural performing 68404
arts facility, including debt service charges on bonds provided 68405
for in division (B) of section 307.674 of the Revised Code, and to 68406
pay all obligations under any guaranty agreements, reimbursement 68407
agreements, or other credit enhancement agreements described in 68408
division (C) of section 307.674 of the Revised Code. The 68409
resolution may also provide for the extension of the tax at the 68410
same rate for the longer of the period of time determined by the 68411
legislative authority of the county, but not to exceed an 68412
additional twenty-five years, or the period of time required to 68413
pay all debt service charges on bonds provided for in division (B) 68414
of section 307.672 of the Revised Code and on port authority 68415
revenue bonds provided for in division (B) of section 307.674 of 68416
the Revised Code. All revenues arising from the amendment and 68417
extension of the tax shall be expended in accordance with section 68418
307.674 of the Revised Code, this division, and division (E) of 68419
this section. 68420

(G) For purposes of a tax levied by a county, township, or 68421
municipal corporation under this section or section 5739.08 of the 68422
Revised Code, a board of county commissioners, board of township 68423
trustees, or the legislative authority of a municipal corporation 68424
may adopt a resolution or ordinance at any time specifying that 68425
"hotel," as otherwise defined in section 5739.01 of the Revised 68426
Code, includes the following: 68427

(1) Establishments in which fewer than five rooms are used 68428
for the accommodation of guests. 68429

(2) Establishments at which rooms are used for the 68430
accommodation of guests regardless of whether each room is 68431
accessible through its own keyed entry or several rooms are 68432
accessible through the same keyed entry; and, in determining the 68433
number of rooms, all rooms are included regardless of the number 68434
of structures in which the rooms are situated or the number of 68435
parcels of land on which the structures are located if the 68436
structures are under the same ownership and the structures are not 68437
identified in advertisements of the accommodations as distinct 68438
establishments. For the purposes of division (G)(2) of this 68439
section, two or more structures are under the same ownership if 68440
they are owned by the same person, or if they are owned by two or 68441
more persons the majority of the ownership interests of which are 68442
owned by the same person. 68443

The resolution or ordinance may apply to a tax imposed 68444
pursuant to this section prior to the adoption of the resolution 68445
or ordinance if the resolution or ordinance so states, but the tax 68446
shall not apply to transactions by which lodging by such an 68447
establishment is provided to transient guests prior to the 68448
adoption of the resolution or ordinance. 68449

(H)(1) As used in this division: 68450

(a) "Convention facilities authority" has the same meaning as 68451
in section 351.01 of the Revised Code. 68452

(b) "Convention center" has the same meaning as in section 68453
307.695 of the Revised Code. 68454

(2) Notwithstanding any contrary provision of division (D) of 68455
this section, the legislative authority of a county with a 68456
population of one million or more according to the most recent 68457
federal decennial census that has levied a tax under division (D) 68458
of this section may, by resolution adopted by a majority of the 68459
members of the legislative authority, provide for the extension of 68460

such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges

made in connection with an agreement entered into under section 68493
307.695 of the Revised Code. 68494

(5) No amount collected from a tax levied, extended, or 68495
required to be deposited in the county general fund under division 68496
(H) of this section shall be contributed to a convention 68497
facilities authority, corporation, or other entity created after 68498
July 1, 2003, for the principal purpose of constructing, 68499
improving, expanding, equipping, financing, or operating a 68500
convention center unless the mayor of the municipal corporation in 68501
which the convention center is to be operated by that convention 68502
facilities authority, corporation, or other entity has consented 68503
to the creation of that convention facilities authority, 68504
corporation, or entity. Notwithstanding any contrary provision of 68505
section 351.04 of the Revised Code, if a tax is levied by a county 68506
under division (H) of this section, the board of county 68507
commissioners of that county may determine the manner of 68508
selection, the qualifications, the number, and terms of office of 68509
the members of the board of directors of any convention facilities 68510
authority, corporation, or other entity described in division 68511
(H)(5) of this section. 68512

(6)(a) No amount collected from a tax levied, extended, or 68513
required to be deposited in the county general fund under division 68514
(H) of this section may be used for any purpose other than paying 68515
the direct and indirect costs of constructing, improving, 68516
expanding, equipping, financing, or operating a convention center 68517
and for the real and actual costs of administering the tax, 68518
unless, prior to the adoption of the resolution of the legislative 68519
authority of the county authorizing the levy, extension, increase, 68520
or deposit, the county and the mayor of the most populous 68521
municipal corporation in that county have entered into an 68522
agreement as to the use of such amounts, provided that such 68523
agreement has been approved by a majority of the mayors of the 68524

other municipal corporations in that county. The agreement shall 68525
provide that the amounts to be used for purposes other than paying 68526
the convention center or administrative costs described in 68527
division (H)(6)(a) of this section be used only for the direct and 68528
indirect costs of capital improvements, including the financing of 68529
capital improvements. 68530

(b) If the county in which the tax is levied has an 68531
association of mayors and city managers, the approval of that 68532
association of an agreement described in division (H)(6)(a) of 68533
this section shall be considered to be the approval of the 68534
majority of the mayors of the other municipal corporations for 68535
purposes of that division. 68536

(7) Each year, the auditor of state shall conduct an audit of 68537
the uses of any amounts collected from taxes levied, extended, or 68538
deposited under division (H) of this section and shall prepare a 68539
report of the auditor of state's findings. The auditor of state 68540
shall submit the report to the legislative authority of the county 68541
that has levied, extended, or deposited the tax, the speaker of 68542
the house of representatives, the president of the senate, and the 68543
leaders of the minority parties of the house of representatives 68544
and the senate. 68545

(I)(1) As used in this division: 68546

(a) "Convention facilities authority" has the same meaning as 68547
in section 351.01 of the Revised Code. 68548

(b) "Convention center" has the same meaning as in section 68549
307.695 of the Revised Code. 68550

(2) Notwithstanding any contrary provision of division (D) of 68551
this section, the legislative authority of a county with a 68552
population of one million two hundred thousand or more according 68553
to the most recent federal decennial census or the most recent 68554
annual population estimate published or released by the United 68555

States census bureau at the time the resolution is adopted placing 68556
the levy on the ballot, that has levied a tax under division (D) 68557
of this section may, by resolution adopted by a majority of the 68558
members of the legislative authority, provide for the extension of 68559
such levy and may provide that the proceeds of that tax, to the 68560
extent that the proceeds are no longer needed for their original 68561
purpose as defined by a cooperative agreement entered into under 68562
section 307.671 of the Revised Code and after deducting the real 68563
and actual costs of administering the tax, shall be used for 68564
paying the direct and indirect costs of constructing, improving, 68565
expanding, equipping, financing, or operating a convention center. 68566
The resolution shall provide for the extension of the tax at a 68567
rate not to exceed the rate specified in division (D) of this 68568
section for a period of time determined by the legislative 68569
authority of the county, but not to exceed an additional forty 68570
years. 68571

(3) The legislative authority of a county with a population 68572
of one million two hundred thousand or more that has levied a tax 68573
under division (A)(1) of this section may, by resolution adopted 68574
by a majority of the members of the legislative authority, 68575
increase the rate of the tax levied by such county under division 68576
(A)(1) of this section to a rate not to exceed five per cent on 68577
transactions by which lodging by a hotel is or is to be furnished 68578
to transient guests. Notwithstanding any contrary provision of 68579
division (A)(1) of this section, the resolution shall provide that 68580
all collections resulting from the rate levied in excess of three 68581
per cent, after deducting the real and actual costs of 68582
administering the tax, shall be used for paying the direct and 68583
indirect costs of constructing, improving, expanding, equipping, 68584
financing, or operating a convention center. 68585

(4) The legislative authority of a county with a population 68586
of one million two hundred thousand or more that has levied a tax 68587

under division (A)(1) of this section may, by resolution adopted 68588
on or before July 1, 2008, by a majority of the members of the 68589
legislative authority, provide that all or a portion of the 68590
proceeds of the tax levied under division (A)(1) of this section, 68591
after deducting the real and actual costs of administering the tax 68592
and the amounts required to be returned to townships and municipal 68593
corporations with respect to the first three per cent levied under 68594
division (A)(1) of this section, shall be used to satisfy any 68595
pledges made in connection with an agreement entered into under 68596
section 307.695 of the Revised Code or shall otherwise be used for 68597
paying the direct and indirect costs of constructing, improving, 68598
expanding, equipping, financing, or operating a convention center. 68599

(5) Any amount collected from a tax levied or extended under 68600
division (I) of this section may be contributed to a convention 68601
facilities authority created before July 1, 2005, but no amount 68602
collected from a tax levied or extended under division (I) of this 68603
section may be contributed to a convention facilities authority, 68604
corporation, or other entity created after July 1, 2005, unless 68605
the mayor of the municipal corporation in which the convention 68606
center is to be operated by that convention facilities authority, 68607
corporation, or other entity has consented to the creation of that 68608
convention facilities authority, corporation, or entity. 68609

(J)(1) Except as provided in division (J)(2) of this section, 68610
money collected by a county and distributed under this section to 68611
a convention and visitors' bureau in existence as of June 30, 68612
2013, the effective date of H.B. 59 of the 130th general assembly, 68613
except for any such money pledged, as of that effective date, to 68614
the payment of debt service charges on bonds, notes, securities, 68615
or lease agreements, shall be used solely for tourism sales, 68616
marketing and promotion, and their associated costs, including, 68617
but not limited to, operational and administrative costs of the 68618
bureau, sales and marketing, and maintenance of the physical 68619

bureau structure. 68620

(2) A convention and visitors' bureau that has entered into 68621
an agreement under section 307.678 of the Revised Code may use 68622
revenue it receives from a tax levied under division (A)(1) of 68623
this section as described in division (E) of section 307.678 of 68624
the Revised Code. 68625

(K) The board of county commissioners of a county with a 68626
population between one hundred three thousand and one hundred 68627
seven thousand according to the most recent federal decennial 68628
census, by resolution adopted by a majority of the members of the 68629
board within six months after September 15, 2014, the effective 68630
date of H.B. 483 of the 130th general assembly, may levy a tax not 68631
to exceed three per cent on transactions by which a hotel is or is 68632
to be furnished to transient guests. The purpose of the tax shall 68633
be to pay the costs of expanding, maintaining, or operating a 68634
soldiers' memorial and the costs of administering the tax. All 68635
revenue arising from the tax shall be credited to one or more 68636
special funds in the county treasury and shall be spent solely for 68637
the purposes of paying those costs. The board of county 68638
commissioners shall adopt all rules necessary to provide for the 68639
administration of the tax subject to the same limitations on 68640
imposing penalty or interest under division (A)(1) of this 68641
section. 68642

As used in this division "soldiers' memorial" means a 68643
memorial constructed and funded under Chapter 345. of the Revised 68644
Code. 68645

(L) A board of county commissioners of an eligible county, by 68646
resolution adopted by a majority of the members of the board, may 68647
levy an excise tax at the rate of up to three per cent on 68648
transactions by which lodging by a hotel is or is to be furnished 68649
to transient guests for the purpose of paying the costs of 68650
permanent improvements at sites at which one or more agricultural 68651

societies conduct fairs or exhibits, paying the costs of 68652
maintaining or operating such permanent improvements, and paying 68653
the costs of administering the tax. A resolution adopted under 68654
this division, other than a resolution that only extends the 68655
period of time for which the tax is levied, shall direct the board 68656
of elections to submit the question of the proposed lodging tax to 68657
the electors of the county at a special election held on the date 68658
specified by the board in the resolution, provided that the 68659
election occurs not less than ninety days after a certified copy 68660
of the resolution is transmitted to the board of elections. A 68661
resolution submitted to the electors under this division shall not 68662
go into effect unless it is approved by a majority of those voting 68663
upon it. The resolution takes effect on the date the board of 68664
county commissioners receives notification from the board of 68665
elections of an affirmative vote. 68666

The tax shall remain in effect for the period specified in 68667
the resolution, not to exceed five years, and may be extended for 68668
an additional period of time not to exceed fifteen years 68669
thereafter by a resolution adopted by a majority of the members of 68670
the board. A resolution extending the period of time for which the 68671
tax is in effect is not subject to approval of the electors of the 68672
county, but is subject to referendum under sections 305.31 to 68673
305.99 of the Revised Code. All revenue arising from the tax shall 68674
be credited to one or more special funds in the county treasury 68675
and shall be spent solely for the purposes of paying the costs of 68676
such permanent improvements and maintaining or operating the 68677
improvements. Revenue allocated for the use of a county 68678
agricultural society may be credited to the county agricultural 68679
society fund created in section 1711.16 of the Revised Code upon 68680
appropriation by the board. If revenue is credited to that fund, 68681
it shall be expended only as provided in that section. 68682

The board of county commissioners shall adopt all rules 68683

necessary to provide for the administration of the tax. The rules 68684
may prescribe the time for payment of the tax, and may provide for 68685
the imposition or penalty or interest, or both, for late payments, 68686
provided that the penalty does not exceed ten per cent of the 68687
amount of tax due, and the rate at which interest accrues does not 68688
exceed the rate per annum prescribed in section 5703.47 of the 68689
Revised Code. 68690

As used in this division, "eligible county" means a county in 68691
which a county agricultural society or independent agricultural 68692
society is organized under section 1711.01 or 1711.02 of the 68693
Revised Code, provided the agricultural society owns a facility or 68694
site in the county at which an annual harness horse race is 68695
conducted where one-day attendance equals at least forty thousand 68696
attendees. 68697

(M) As used in this division, "eligible county" means a 68698
county in which a tax is levied under division (A) of this section 68699
at a rate of three per cent and whose territory includes a part of 68700
Lake Erie the shoreline of which represents at least fifty per 68701
cent of the linear length of the county's border with other 68702
counties of this state. 68703

The board of county commissioners of an eligible county that 68704
has entered into an agreement with a port authority in the county 68705
under section 4582.56 of the Revised Code may levy an additional 68706
lodging tax on transactions by which lodging by a hotel is or is 68707
to be furnished to transient guests for the purpose of financing 68708
lakeshore improvement projects constructed or financed by the port 68709
authority under that section. The resolution levying the tax shall 68710
specify the purpose of the tax, the rate of the tax, which shall 68711
not exceed two per cent, and the number of years the tax will be 68712
levied or that it will be levied for a continuing period of time. 68713
The tax shall be administered pursuant to the regulations adopted 68714
by the board under division (A) of this section, except that all 68715

the proceeds of the tax levied under this division shall be 68716
pledged to the payment of the costs, including debt charges, of 68717
lakeshore improvements undertaken by a port authority pursuant to 68718
the agreement under section 4582.56 of the Revised Code. No 68719
revenue from the tax may be used to pay the current expenses of 68720
the port authority. 68721

A resolution levying a tax under this division is subject to 68722
referendum under sections 305.31 to 305.41 and 305.99 of the 68723
Revised Code. 68724

(N)(1)(a) Notwithstanding division (A) of this section, the 68725
board of county commissioners, board of township trustees, or 68726
legislative authority of any county, township, or municipal 68727
corporation that levies a lodging tax on September 29, 2017, and 68728
in which any part of a tourism development district is located on 68729
or after that date shall amend the ordinance or resolution levying 68730
the tax to require either of the following: 68731

(i) In the case of a tax levied by a county, that all tourism 68732
development district lodging tax proceeds from that tax be used 68733
exclusively to foster and develop tourism in the tourism 68734
development district; 68735

(ii) In the case of a tax levied by a township or municipal 68736
corporation, that all tourism development district lodging tax 68737
proceeds from that tax be used exclusively to foster and develop 68738
tourism in the tourism development district. 68739

(b) Notwithstanding division (A) of this section, any 68740
ordinance or resolution levying a lodging tax adopted on or after 68741
September 29, 2017, by a county, township, or municipal 68742
corporation in which any part of a tourism development district is 68743
located on or after that date shall require that all tourism 68744
development district lodging tax proceeds from that tax be used 68745
exclusively to foster and develop tourism in the tourism 68746

development district. 68747

(c) A county shall not use any of the proceeds described in 68748
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 68749
convention and visitors' bureau operating within the county 68750
approves the manner in which such proceeds are used to foster and 68751
develop tourism in the tourism development district. Upon 68752
obtaining such approval, the county may pay such proceeds to the 68753
bureau to use for the agreed-upon purpose. 68754

A municipal corporation or township shall not use any of the 68755
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 68756
section unless the convention and visitors' bureau operating 68757
within the municipal corporation or township approves the manner 68758
in which such proceeds are used to foster and develop tourism in 68759
the tourism development district. Upon obtaining such approval, 68760
the municipal corporation or township may pay such proceeds to the 68761
bureau to use for the agreed-upon purpose. 68762

(2)(a) Notwithstanding division (A) of this section, the 68763
board of county commissioners of an eligible county that levies a 68764
lodging tax on March 23, 2018, may amend the resolution levying 68765
that tax to require that all or a portion of the proceeds of that 68766
tax otherwise required to be spent solely to make contributions to 68767
the convention and visitors' bureau operating within the county 68768
shall be used to foster and develop tourism in a tourism 68769
development district. 68770

(b) Notwithstanding division (A) of this section, the board 68771
of county commissioners of an eligible county that adopts a 68772
resolution levying a lodging tax on or after March 23, 2018, may 68773
require that all or a portion of the proceeds of that tax 68774
otherwise required to be spent solely to make contributions to the 68775
convention and visitors' bureau operating within the county 68776
pursuant to division (A) of this section shall be used to foster 68777
and develop tourism in a tourism development district. 68778

(c) A county shall not use any of the proceeds in the manner described in division (N)(2)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(3) As used in division (N) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

Sec. 5739.101. (A) The legislative authority of a municipal corporation, by ordinance or resolution, or of a township, by resolution, may declare the municipal corporation or township to be a resort area for the purposes of this section, if all of the following criteria are met:

(1) According to statistics published by the federal government based on data compiled during the most recent decennial census of the United States, at least sixty-two per cent of total housing units in the municipal corporation or township are classified as "for seasonal, recreational, or occasional use";

(2) Entertainment and recreation facilities are provided 68809
within the municipal corporation or township that are primarily 68810
intended to provide seasonal leisure time activities for persons 68811
other than permanent residents of the municipal corporation or 68812
township; 68813

(3) The municipal corporation or township experiences 68814
seasonal peaks of employment and demand for government services as 68815
a direct result of the seasonal population increase. 68816

(B) For the purpose of providing revenue for its general 68817
fund, the legislative authority of a municipal corporation or 68818
township, in its ordinance or resolution declaring itself a resort 68819
area under this section, may levy a tax on the privilege of 68820
engaging in the business of either of the following: 68821

(1) Making sales in the municipal corporation or township, 68822
whether wholesale or retail, but including sales of food only to 68823
the extent such sales are subject to the tax levied under section 68824
5739.02 of the Revised Code; 68825

(2) Intrastate transportation of passengers or property 68826
primarily to or from the municipal corporation or township by a 68827
railroad, watercraft, or motor vehicle subject to regulation by 68828
the public utilities commission, except not including 68829
transportation of passengers as part of a tour or cruise in which 68830
the passengers will stay in the municipal corporation or township 68831
for no more than one hour. 68832

The tax is imposed upon and shall be paid by the person 68833
making the sales or transporting the passengers or property. The 68834
rate of the tax shall be one-half, one, or one and one-half per 68835
cent of the person's gross receipts derived from making the sales 68836
or transporting the passengers or property to or from the 68837
municipal corporation or township. 68838

(C) For the purpose of fostering and developing tourism in a 68839

tourism development district designated under section 503.56 or 68840
715.014 of the Revised Code, the legislative authority of a 68841
municipal corporation or township, by ordinance or resolution 68842
adopted on or before December 31, ~~2018~~ 2020, may levy a tax on the 68843
privilege of engaging in the business of making sales in the 68844
tourism development district, whether wholesale or retail, but 68845
including sales of food only to the extent such sales are subject 68846
to the tax levied under section 5739.02 of the Revised Code. 68847

The tax is imposed upon and shall be paid by the person 68848
making the sales. The rate of the tax shall be one-half, one, one 68849
and one-half, or two per cent of the person's gross receipts 68850
derived from making the sales in the tourism development district. 68851

(D) A tax levied under division (B) or (C) of this section 68852
shall take effect on the first day of the month that begins at 68853
least sixty days after the effective date of the ordinance or 68854
resolution by which it is levied. The legislative authority shall 68855
certify copies of the ordinance or resolution to the tax 68856
commissioner and treasurer of state within five days after its 68857
adoption. In addition, one time each week during the two weeks 68858
following the adoption of the ordinance or resolution, the 68859
legislative authority shall cause to be published in a newspaper 68860
of general circulation in the municipal corporation or township, 68861
or as provided in section 7.16 of the Revised Code, a notice 68862
explaining the tax and stating the rate of the tax, the date it 68863
will take effect, and that persons subject to the tax must 68864
register with the tax commissioner under section 5739.103 of the 68865
Revised Code. 68866

(E) No more than once a year, and subject to the rates 68867
prescribed in division (B) or (C) of this section, the legislative 68868
authority of the municipal corporation or township, by ordinance 68869
or resolution, may increase or decrease the rate of a tax levied 68870
under this section. The legislative authority, by ordinance or 68871

resolution, at any time may repeal such a tax. The legislative 68872
authority shall certify to the tax commissioner and treasurer of 68873
state copies of the ordinance or resolution repealing or changing 68874
the rate of the tax within five days after its adoption. In 68875
addition, one time each week during the two weeks following the 68876
adoption of the ordinance or resolution, the legislative authority 68877
shall cause to be published in a newspaper of general circulation 68878
in the municipal corporation or township, or as provided in 68879
section 7.16 of the Revised Code, notice of the repeal or change. 68880

(F) A person may separately or proportionately bill or 68881
invoice a tax levied pursuant to division (B) or (C) of this 68882
section to another person. 68883

Sec. 5741.01. As used in this chapter: 68884

(A) "Person" includes individuals, receivers, assignees, 68885
trustees in bankruptcy, estates, firms, partnerships, 68886
associations, joint-stock companies, joint ventures, clubs, 68887
societies, corporations, business trusts, governments, and 68888
combinations of individuals of any form. 68889

(B) "Storage" means and includes any keeping or retention in 68890
this state for use or other consumption in this state. 68891

(C) "Use" means and includes the exercise of any right or 68892
power incidental to the ownership of the thing used. A thing is 68893
also "used" in this state if its consumer gives or otherwise 68894
distributes it, without charge, to recipients in this state. 68895

(D) "Purchase" means acquired or received for a 68896
consideration, whether such acquisition or receipt was effected by 68897
a transfer of title, or of possession, or of both, or a license to 68898
use or consume; whether such transfer was absolute or conditional, 68899
and by whatever means the transfer was effected; and whether the 68900
consideration was money, credit, barter, or exchange. Purchase 68901

includes production, even though the article produced was used, 68902
stored, or consumed by the producer. The transfer of copyrighted 68903
motion picture films for exhibition purposes is not a purchase, 68904
except such films as are used solely for advertising purposes. 68905

(E) "Seller" means the person from whom a purchase is made, 68906
and includes every person engaged in this state or elsewhere in 68907
the business of selling tangible personal property or providing a 68908
service for storage, use, or other consumption or benefit in this 68909
state; and when, in the opinion of the tax commissioner, it is 68910
necessary for the efficient administration of this chapter, to 68911
regard any salesperson, representative, peddler, or canvasser as 68912
the agent of a dealer, distributor, supervisor, or employer under 68913
whom the person operates, or from whom the person obtains tangible 68914
personal property, sold by the person for storage, use, or other 68915
consumption in this state, irrespective of whether or not the 68916
person is making such sales on the person's own behalf, or on 68917
behalf of such dealer, distributor, supervisor, or employer, the 68918
commissioner may regard the person as such agent, and may regard 68919
such dealer, distributor, supervisor, or employer as the seller. 68920
"Seller" A marketplace facilitator shall be treated as the 68921
"seller" with respect to all sales facilitated by the marketplace 68922
facilitator on behalf of one or more marketplace sellers on and 68923
after the first day of the first month that begins at least thirty 68924
days after the marketplace facilitator first has substantial nexus 68925
with this state. Otherwise, "seller" does not include any person 68926
to the extent the person provides a communications medium, such 68927
as, but not limited to, newspapers, magazines, radio, television, 68928
or cable television, by means of which sellers solicit purchases 68929
of their goods or services. 68930

(F) "Consumer" means any person who has purchased tangible 68931
personal property or has been provided a service for storage, use, 68932
or other consumption or benefit in this state. "Consumer" does not 68933

include a person who receives, without charge, tangible personal 68934
property or a service. 68935

A person who performs a facility management or similar 68936
service contract for a contractee is a consumer of all tangible 68937
personal property and services purchased for use in connection 68938
with the performance of such contract, regardless of whether title 68939
to any such property vests in the contractee. The purchase of such 68940
property and services is not subject to the exception for resale 68941
under division (E) of section 5739.01 of the Revised Code. 68942

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 68943
of this section, has the same meaning as in division (H)(1) of 68944
section 5739.01 of the Revised Code. 68945

(2) In the case of watercraft, outboard motors, or new motor 68946
vehicles, "price" has the same meaning as in divisions (H)(2) and 68947
(3) of section 5739.01 of the Revised Code. 68948

(3) In the case of a nonresident business consumer that 68949
purchases and uses tangible personal property outside this state 68950
and subsequently temporarily stores, uses, or otherwise consumes 68951
such tangible personal property in the conduct of business in this 68952
state, the consumer or the tax commissioner may determine the 68953
price based on the value of the temporary storage, use, or other 68954
consumption, in lieu of determining the price pursuant to division 68955
(G)(1) of this section. A price determination made by the consumer 68956
is subject to review and redetermination by the commissioner. 68957

(4) In the case of tangible personal property held in this 68958
state as inventory for sale or lease, and that is temporarily 68959
stored, used, or otherwise consumed in a taxable manner, the price 68960
is the value of the temporary use. A price determination made by 68961
the consumer is subject to review and redetermination by the 68962
commissioner. 68963

(5) In the case of tangible personal property originally 68964

purchased and used by the consumer outside this state, and that 68965
becomes permanently stored, used, or otherwise consumed in this 68966
state more than six months after its acquisition by the consumer, 68967
the consumer or the commissioner may determine the price based on 68968
the current value of such tangible personal property, in lieu of 68969
determining the price pursuant to division (G)(1) of this section. 68970
A price determination made by the consumer is subject to review 68971
and redetermination by the commissioner. 68972

(6) If a consumer produces tangible personal property for 68973
sale and removes that property from inventory for the consumer's 68974
own use, the price is the produced cost of that tangible personal 68975
property. 68976

(H) "Nexus with this state" means that the seller engages in 68977
continuous and widespread solicitation of purchases from residents 68978
of this state or otherwise purposefully directs its business 68979
activities at residents of this state. 68980

(I)(1) "Substantial nexus with this state" means that the 68981
seller has sufficient contact with this state, in accordance with 68982
Section 8 of Article I of the Constitution of the United States, 68983
to allow the state to require the seller to collect and remit use 68984
tax on sales of tangible personal property or services made to 68985
consumers in this state. 68986

(2) "Substantial nexus with this state" is presumed to exist 68987
when the seller does any of the following: 68988

(a) Uses an office, distribution facility, warehouse, storage 68989
facility, or similar place of business within this state, whether 68990
operated by the seller or any other person, other than a common 68991
carrier acting in its capacity as a common carrier. 68992

(b) Regularly uses employees, agents, representatives, 68993
solicitors, installers, repairers, salespersons, or other persons 68994
in this state for the purpose of conducting the business of the 68995

seller or either to engage in a business with the same or a 68996
similar industry classification as the seller selling a similar 68997
product or line of products as the seller, or to use trademarks, 68998
service marks, or trade names in this state that are the same or 68999
substantially similar to those used by the seller. 69000

(c) Uses any person, other than a common carrier acting in 69001
its capacity as a common carrier, in this state for any of the 69002
following purposes: 69003

(i) Receiving or processing orders of the seller's goods or 69004
services; 69005

(ii) Using that person's employees or facilities in this 69006
state to advertise, promote, or facilitate sales by the seller to 69007
customers; 69008

(iii) Delivering, installing, assembling, or performing 69009
maintenance services for the seller's customers; 69010

(iv) Facilitating the seller's delivery of tangible personal 69011
property to customers in this state by allowing the seller's 69012
customers to pick up property sold by the seller at an office, 69013
distribution facility, warehouse, storage facility, or similar 69014
place of business. 69015

(d) Makes regular deliveries of tangible personal property 69016
into this state by means other than common carrier. 69017

(e) Has an affiliated person that has substantial nexus with 69018
this state. 69019

(f) Owns tangible personal property that is rented or leased 69020
to a consumer in this state, or offers tangible personal property, 69021
on approval, to consumers in this state. 69022

(g) ~~Enters into an agreement with one or more residents of 69023
this state under which the resident, for a commission or other 69024
consideration, directly or indirectly refers potential customers 69025~~

~~to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~ 69026
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~~(h) Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has~~ Has gross receipts in excess of ~~five~~ one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state. 69031
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~~(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of five hundred thousand dollars~~ (h) Engages, in the current or preceding calendar year ~~from the sale of~~ , in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or ~~from~~ providing services the benefit of which is realized in this state. 69038
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(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f), (g), and ~~(h), and (i)~~ of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 69047
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~~(4) A seller presumed to have substantial nexus with this state under division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any~~ 69054
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~~activity within this state during the preceding twelve months that~~ 69058
~~was significantly associated with the seller's ability to~~ 69059
~~establish or maintain the seller's market in this state during the~~ 69060
~~preceding twelve months. Such proof may consist of sworn written~~ 69061
~~statements from all the residents with whom the seller has an~~ 69062
~~agreement stating that the resident did not engage in any~~ 69063
~~solicitation in this state on behalf of the seller during the~~ 69064
~~preceding twelve months if such statements are provided and~~ 69065
~~obtained in good faith. A marketplace facilitator is presumed to~~ 69066
~~have substantial nexus with this state if either of the following~~ 69067
~~apply in the current or preceding calendar year:~~ 69068

(a) The aggregate gross receipts derived from sales of 69069
tangible personal property for storage, use, or consumption in 69070
this state or services the benefit of which is realized in this 69071
state, including sales made by the marketplace facilitator on its 69072
own behalf and sales facilitated by the marketplace facilitator on 69073
behalf of one or more marketplace sellers, exceed one hundred 69074
thousand dollars; 69075

(b) The marketplace facilitator engages in on its own behalf, 69076
or facilitates on behalf of one or more marketplace sellers, two 69077
hundred or more separate transactions selling tangible personal 69078
property for storage, use, or consumption in this state or 69079
services the benefit of which is realized in this state. 69080

(5) A seller that does not have substantial nexus with this 69081
state, and any affiliated person of the seller, before selling or 69082
leasing tangible personal property or services to a state agency, 69083
shall register with the tax commissioner in the same manner as a 69084
seller described in division (A)(1) of section 5741.17 of the 69085
Revised Code. 69086

(6) As used in division (I) of this section: 69087

(a) "Affiliated person" means any person that is a member of 69088

the same controlled group of corporations as the seller or any 69089
other person that, notwithstanding the form of organization, bears 69090
the same ownership relationship to the seller as a corporation 69091
that is a member of the same controlled group of corporations. 69092

(b) "Controlled group of corporations" has the same meaning 69093
as in section 1563(a) of the Internal Revenue Code. 69094

(c) "State agency" has the same meaning as in section 1.60 of 69095
the Revised Code. 69096

~~(d) "In state software" means computer software, as that term 69097
is defined in section 5739.01 of the Revised Code, that is stored 69098
on property in this state or is distributed within this state for 69099
the purpose of facilitating a seller's sales. 69100~~

~~(e) "Content delivery network" means a system of distributed 69101
servers that deliver web sites and other web content to a user 69102
based on the geographic location of the user, the origin of the 69103
web site or web content, and a content delivery server. 69104~~

(J) "Fiscal officer" means, with respect to a regional 69105
transit authority, the secretary-treasurer thereof, and with 69106
respect to a county which is a transit authority, the fiscal 69107
officer of the county transit board appointed pursuant to section 69108
306.03 of the Revised Code or, if the board of county 69109
commissioners operates the county transit system, the county 69110
auditor. 69111

(K) "Territory of the transit authority" means all of the 69112
area included within the territorial boundaries of a transit 69113
authority as they from time to time exist. Such territorial 69114
boundaries must at all times include all the area of a single 69115
county or all the area of the most populous county which is a part 69116
of such transit authority. County population shall be measured by 69117
the most recent census taken by the United States census bureau. 69118

(L) "Transit authority" means a regional transit authority 69119

created pursuant to section 306.31 of the Revised Code or a county 69120
in which a county transit system is created pursuant to section 69121
306.01 of the Revised Code. For the purposes of this chapter, a 69122
transit authority must extend to at least the entire area of a 69123
single county. A transit authority which includes territory in 69124
more than one county must include all the area of the most 69125
populous county which is a part of such transit authority. County 69126
population shall be measured by the most recent census taken by 69127
the United States census bureau. 69128

(M) "Providing a service" has the same meaning as in section 69129
5739.01 of the Revised Code. 69130

(N) "Other consumption" includes receiving the benefits of a 69131
service. 69132

(O) "Lease" or "rental" has the same meaning as in section 69133
5739.01 of the Revised Code. 69134

(P) "Certified service provider" has the same meaning as in 69135
section 5740.01 of the Revised Code. 69136

(Q) "Remote sale" means a sale for which the seller could not 69137
be legally required to pay, collect, or remit a tax imposed under 69138
this chapter or Chapter 5739. of the Revised Code, unless 69139
otherwise provided by the laws of the United States. 69140

(R) "Remote seller" means a seller that lacks substantial 69141
nexus with this state but is required to register with the tax 69142
commissioner under section 5741.17 of the Revised Code pursuant to 69143
federal law authorizing states to require such sellers to 69144
register, collect, and remit use tax. A seller that is not 69145
required to register with the commissioner under division (A) of 69146
section 5741.17 of the Revised Code but registers voluntarily 69147
under division (B) of that section is not a "remote seller." A 69148
seller that registers with the commissioner under section 5741.17 69149
of the Revised Code after the effective date of any federal law 69150

that authorizes states to require sellers that lack substantial 69151
nexus with the state to register, collect, and remit use tax is 69152
presumed to be a "remote seller." The seller or the commissioner 69153
may rebut this presumption with evidence that the seller has 69154
substantial nexus with this state. 69155

(S) "Remote small seller" means a remote seller that has 69156
gross annual receipts from remote sales in the United States not 69157
exceeding one million dollars for the preceding calendar year. For 69158
the purposes of determining whether a person is a small remote 69159
seller, the sales of all persons related within the meaning of 69160
subsection (b) or (c) of section 267 or section 707(b)(1) of the 69161
Internal Revenue Code shall be aggregated, and persons with one or 69162
more ownership relationships shall be aggregated if those 69163
relationships were designed with the principal purpose to qualify 69164
as a remote small seller. 69165

(T) "Marketplace facilitator" means a person that owns, 69166
operates, or controls a physical or electronic marketplace through 69167
which retail sales are facilitated on behalf of one or more 69168
marketplace sellers, or an affiliate of such a person. 69169
"Marketplace facilitator" does not include a person that provides 69170
advertising services, including tangible personal property or 69171
services listed for sale, if the advertising service platform or 69172
forum does not engage directly or indirectly through one or more 69173
affiliated persons in the activities described in division (W)(2) 69174
of this section. 69175

(U) "Marketplace seller" means a person on behalf of which a 69176
marketplace facilitator facilitates the sale of tangible personal 69177
property for storage, use, or consumption in this state or 69178
services the benefit of which are realized in this state, 69179
regardless of whether or not the person has a substantial nexus 69180
with this state. 69181

(V) "Electronic marketplace" includes digital distribution 69182

services, digital distribution platforms, online portals, 69183
application stores, computer software applications, in-app 69184
purchase mechanisms, or other digital products. 69185

(W) A sale is "facilitated" by a marketplace facilitator on 69186
behalf of a marketplace seller if it satisfies divisions (W)(1), 69187
(2), and (3) of this section: 69188

(1) The marketplace facilitator, directly or indirectly, does 69189
any of the following: 69190

(a) Lists, makes available, or advertises the tangible 69191
personal property or services that are the subject of the sale in 69192
a physical or electronic marketplace owned, operated, or 69193
controlled by the marketplace facilitator; 69194

(b) Transmits or otherwise communicates an offer or 69195
acceptance of the sale between the marketplace seller and the 69196
purchaser in a shop, store, booth, catalog, internet site, or 69197
other similar forum; 69198

(c) Owns, rents, licenses, makes available, or operates any 69199
electronic or physical infrastructure or any property, process, 69200
method, copyright, trademark, or patent that connects the 69201
marketplace seller to the purchaser for the purpose of making 69202
sales; 69203

(d) Provides the marketplace in which the sale was made or 69204
otherwise facilitates the sale regardless of ownership or control 69205
of the tangible personal property or services that are the subject 69206
of the sale; 69207

(e) Provides software development or research and development 69208
services directly related to a physical or electronic marketplace 69209
that is involved in one or more of the activities described in 69210
division (W)(1) of this section; 69211

(f) Provides fulfillment or storage services for the 69212

<u>marketplace seller that are related to the tangible personal</u>	69213
<u>property or services that are the subject of the sale;</u>	69214
<u>(g) Sets the price of the sale on behalf of the marketplace</u>	69215
<u>seller;</u>	69216
<u>(h) Provides or offers customer service to the marketplace</u>	69217
<u>seller or the marketplace seller's customers, or accepts or</u>	69218
<u>assists with taking orders, returns, or exchanges of the tangible</u>	69219
<u>personal property or services that are the subject of the sale;</u>	69220
<u>(i) Brands or otherwise identifies the sale as a sale of the</u>	69221
<u>marketplace facilitator.</u>	69222
<u>(2) The marketplace facilitator, directly or indirectly, does</u>	69223
<u>any of the following:</u>	69224
<u>(a) Collects the price of the tangible personal property or</u>	69225
<u>services sold to the consumer;</u>	69226
<u>(b) Provides payment processing services for the sale;</u>	69227
<u>(c) Collects payment in connection with the sale from the</u>	69228
<u>consumer through terms and conditions, agreements, or arrangements</u>	69229
<u>with a third party, and transmits that payment to the marketplace</u>	69230
<u>seller, regardless of whether the person collecting and</u>	69231
<u>transmitting such payment receives compensation or other</u>	69232
<u>consideration in exchange for the service;</u>	69233
<u>(d) Provides virtual currency that consumers are allowed or</u>	69234
<u>required to use to purchase the tangible personal property or</u>	69235
<u>services that are the subject of the sale.</u>	69236
<u>(3) The subject of the sale is tangible personal property or</u>	69237
<u>services other than lodging by a hotel that is or is to be</u>	69238
<u>furnished to transient guests.</u>	69239
Sec. 5741.04. Every seller required to register with the tax	69240
commissioner pursuant to section 5741.17 of the Revised Code who	69241

is engaged in the business of selling or facilitating the sale of 69242
tangible personal property in this state for storage, use, or 69243
other consumption in this state, to which section 5741.02 of the 69244
Revised Code applies, or which is subject to a tax levied pursuant 69245
to section 5741.021, 5741.022, or 5741.023 of the Revised Code, 69246
shall, and any other seller who is authorized by rule of the tax 69247
commissioner to do so may, collect from the consumer the full and 69248
exact amount of the tax payable on each such storage, use, or 69249
consumption, in the manner and at the times provided as follows: 69250

(A) If the price is, at or prior to the delivery of 69251
possession of the thing sold to the consumer, paid in currency 69252
passed from hand to hand by the consumer or the consumer's agent, 69253
to the seller or the seller's agent, the seller or the seller's 69254
agent shall collect the tax with and at the same time as the 69255
price. 69256

(B) If the price is otherwise paid or to be paid, the seller 69257
or the seller's agent shall, at or prior to the delivery of 69258
possession of the thing sold to the consumer, charge the tax 69259
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 69260
5741.023 of the Revised Code to the account of the consumer, which 69261
amount shall be collected by the seller from the consumer in 69262
addition to the price. Such transaction shall be reported on the 69263
return for the period in which the transaction occurred, and the 69264
amount of tax applicable to the transaction shall be remitted with 69265
the return or, if the consumer is subject to section 5741.121 of 69266
the Revised Code, in the manner prescribed by that section. The 69267
amount of the tax shall become a legal charge in favor of the 69268
seller and against the consumer. 69269

(C) It shall be the obligation of each consumer, as required 69270
by section 5741.12 of the Revised Code, to report and pay the 69271
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 69272
Revised Code, if applicable, on any storage, use, or other 69273

consumption of tangible personal property purchased in this state 69274
from a vendor required to be licensed pursuant to section 5739.17 69275
of the Revised Code. 69276

Sec. 5741.05. As used in this section, "receive" means taking 69277
possession of tangible personal property or making first use of a 69278
service. "Receive" does not include possession by a shipping 69279
company on behalf of a consumer. 69280

(A) A Except as otherwise provided in division (B) of this 69281
section, a seller that collects the tax levied by sections 69282
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 69283
transactions, other than sales of titled motor vehicles, titled 69284
watercraft, or titled outboard motors, shall determine under 69285
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 69286
for which to collect the tax. A 69287

(B) A marketplace facilitator that collects the tax levied by 69288
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 69289
Code on sales facilitated by the marketplace facilitator, other 69290
than sales of titled motor vehicles, titled watercraft, or titled 69291
outboard motors, shall determine the jurisdiction for which to 69292
collect the tax as follows: 69293

(1) The location known to the marketplace facilitator where 69294
the consumer or the donee designated by the consumer receives the 69295
tangible personal property or service, including the location 69296
indicated by instructions for delivery to the consumer or the 69297
consumer's donee; 69298

(2) If division (B)(1) of this section does not apply, the 69299
location indicated by an address for the consumer that is 69300
available from the marketplace facilitator's business records that 69301
are maintained in the ordinary course of the marketplace 69302
facilitator's business, when use of that address does not 69303
constitute bad faith; 69304

(3) If divisions (B)(1) and (2) of this section do not apply, 69305
the location indicated by an address for the consumer obtained 69306
during the consummation of the sale, including the address 69307
associated with the consumer's payment instrument, if no other 69308
address is available, when use of that address does not constitute 69309
bad faith. 69310

(4) If divisions (B)(1), (2), and (3) of this section do not 69311
apply, including in the circumstance where the marketplace 69312
facilitator is without sufficient information to apply any of 69313
those divisions, the address from which tangible personal property 69314
was shipped, or from which the service was provided, disregarding 69315
any location that merely provided the electronic transfer of the 69316
property sold or service provided. 69317

(C) A vendor or seller of motor vehicles, watercraft, or 69318
outboard motors required to be titled in this state shall collect 69319
the tax levied by section 5739.02 or 5741.02 of the Revised Code 69320
and the additional taxes levied by division (A)(1) of section 69321
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 69322
of section 5741.023 of the Revised Code for the consumer's county 69323
of residence as provided in section 1548.06 and division (B) of 69324
section 4505.06 of the Revised Code. 69325

~~(B)~~(D) A vendor or seller is not responsible for collecting 69326
or remitting additional tax if a consumer subsequently stores, 69327
uses, or consumes the tangible personal property or service in 69328
another jurisdiction with a rate of tax imposed by sections 69329
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 69330
is higher than the amount collected by the vendor or seller 69331
pursuant to Chapter 5739. or 5741. of the Revised Code. 69332

Sec. 5741.07. Except as otherwise provided in section 5741.11 69333
of the Revised Code, a marketplace facilitator that is treated as 69334
a seller pursuant to division (E) of section 5741.01 of the 69335

Revised Code has the same rights and obligations under this 69336
chapter as other sellers. Such obligations include registering 69337
with the tax commissioner under section 5741.17 of the Revised 69338
Code and collecting and remitting the taxes levied under this 69339
chapter on sales facilitated by the marketplace facilitator in 69340
accordance with section 5741.04 of the Revised Code. A marketplace 69341
facilitator's rights and obligations regarding a sale are not 69342
affected by the amount of the price paid by the consumer that will 69343
accrue to or benefit the marketplace facilitator as compared to 69344
the marketplace seller for which the sale is facilitated, or by 69345
whether or not such marketplace seller has substantial nexus with 69346
this state, registers with the tax commissioner under section 69347
5741.17 of the Revised Code, or collects and remits taxes on sales 69348
not facilitated by a marketplace facilitator in accordance with 69349
section 5741.04 of the Revised Code. 69350

A marketplace seller that is required to collect and remit 69351
the taxes levied under this chapter shall continue to do so for 69352
all sales other than those facilitated by a marketplace 69353
facilitator that is treated as a seller pursuant to division (E) 69354
of section 5741.01 of the Revised Code, including sales 69355
facilitated before the first day of the first month that begins at 69356
least thirty days after the marketplace facilitator first has 69357
substantial nexus with this state. 69358

Sec. 5741.071. (A) A marketplace seller may request and shall 69359
obtain a waiver from the tax commissioner for a marketplace 69360
facilitator not to be treated as a seller pursuant to division (E) 69361
of section 5741.01 of the Revised Code with respect to a specific 69362
marketplace seller if the following conditions are met: 69363

(1) The marketplace seller certifies it has annual gross 69364
receipts within the United States, including the gross receipts of 69365
any affiliate, as defined in section 122.15 of the Revised Code, 69366

of one billion dollars; 69367

(2) The marketplace seller or its affiliate, as defined in section 122.15 of the Revised Code, is publicly traded on at least one major stock exchange; 69368
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(3) The marketplace seller is current on all taxes, fees, and charges administered by the department of taxation that are not subject to a bona fide dispute; 69371
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(4) The marketplace seller has not, within the past twelve months, requested that a waiver related to the marketplace facilitator at issue be canceled nor has the waiver been revoked by the commissioner; and 69374
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(5) The marketplace seller has not violated division (B) of section 5739.30 of the Revised Code. 69378
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(B) A marketplace seller shall request a waiver on the form prescribed by the commissioner. A request for a waiver shall contain a signed declaration from the marketplace facilitator acquiescing to the request for a waiver. A waiver request that is not ruled upon by the commissioner within thirty days of the date it was filed is deemed granted. A waiver that is granted by the commissioner or deemed to be granted is effective on and after the first day of the first month that begins at least thirty days after the commissioner grants the waiver or the waiver is deemed granted. The waiver is valid until the first day of the first month that begins at least sixty days after it is revoked by the commissioner or cancelled by the marketplace seller. 69380
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(C)(1) If a waiver is granted by the commissioner, the commissioner shall notify the marketplace seller and the seller shall be considered the vendor pursuant to division (C) of section 5739.01 of the Revised Code or a seller pursuant to division (E) of section 5741.01 of the Revised Code, as applicable. 69392
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(2) A marketplace seller is required to notify the 69397

marketplace facilitator of the status of the waiver of the 69398
marketplace seller. However, if a waiver is denied by the 69399
commissioner, a copy of the denial shall be provided to the 69400
marketplace facilitator. 69401

(3) A marketplace seller that has been issued a waiver under 69402
this section may cancel the waiver by sending notice to the 69403
commissioner and to the marketplace facilitator identified in the 69404
waiver application. The commissioner may revoke a waiver if the 69405
commissioner determines that any of the conditions described in 69406
divisions (A)(1) to (5) of this section are no longer met by the 69407
marketplace seller. The commissioner shall notify the marketplace 69408
seller and the marketplace facilitator upon revoking a waiver. 69409

(D) Notwithstanding section 5703.21 of the Revised Code, the 69410
commissioner may divulge information related to the status of the 69411
waiver sought by or granted to the marketplace seller for a 69412
particular marketplace facilitator to either the impacted 69413
marketplace seller or marketplace facilitator. 69414

(E) The commissioner may promulgate rules the commissioner 69415
deems necessary to administer this section. 69416

Sec. 5741.11. ~~If~~ (A) Except as otherwise provided in 69417
divisions (B) and (C) of this section, if any seller who is 69418
required or authorized to collect the tax imposed by or pursuant 69419
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 69420
Code fails to do so, ~~he~~ the seller shall be liable personally for 69421
such amount as ~~he~~ the seller failed to collect. If any seller 69422
collects the tax imposed by or pursuant to any such section and 69423
fails to remit the same to the state as prescribed, ~~he~~ the seller 69424
shall be personally liable for any amount collected ~~which he~~ that 69425
the seller failed to remit. The tax commissioner may make an 69426
assessment against such seller, based upon any information within 69427
~~his~~ the commissioner's possession. The commissioner shall give to 69428

the seller written notice of such assessment. Such notice may be served upon the seller personally or by certified mail.

(B) A marketplace facilitator is relieved of all liability under division (A) of this section for failure to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on a sale facilitated by the marketplace facilitator on behalf of an unaffiliated marketplace seller if it is demonstrated to the satisfaction of the commissioner that the marketplace facilitator made a reasonable effort to obtain sufficient and accurate information about the sale from the marketplace seller and that the marketplace facilitator failed to collect the correct amount of tax because of insufficient or incorrect information provided by the marketplace seller.

If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted.

(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code.

(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim.

Sec. 5741.13. (A) Except as provided in division (B) of this

section: 69460

(1) If any person required by section 5741.12 of the Revised Code to make a return to the tax commissioner fails to make such return at the time required by or under authority of such section, the commissioner may make an assessment against such person, based upon any information within the commissioner's possession. The commissioner shall give to such person written notice of the assessment as provided in section 5703.37 of the Revised Code. 69461
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(2) If information in the possession of the commissioner indicates that the tax paid by any consumer is less than that due, the commissioner may audit a representative sample of that consumer's purchases and may issue an assessment based thereon. The commissioner shall make a good faith effort to reach agreement with the consumer on selecting a representative sample. 69468
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(3) If information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the seller, the commissioner may audit a representative sample of the seller's sales to determine the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the seller in selecting a representative sample. 69474
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(B) The commissioner may audit only the marketplace facilitator for sales with respect to which the marketplace facilitator is treated as the seller pursuant to division (E) of section 5741.01 of the Revised Code and may not audit the marketplace seller on behalf of which the sale was facilitated. This division does not absolve a marketplace seller or the purchaser from personal liability under division (B) of section 5741.11 of the Revised Code for taxes that are not properly collected, paid, or remitted due to the inability of the marketplace facilitator to obtain accurate information about the 69482
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sale from the marketplace seller. 69492

Sec. 5741.17. (A)(1) Except as otherwise provided in 69493
divisions (A)(2), (3), and (4) of this section, every seller of 69494
tangible personal property or services who has substantial nexus 69495
with this state shall register with the tax commissioner and 69496
supply any information concerning the seller's contacts with this 69497
state that may be required by the commissioner. 69498

(2) A seller who is licensed as a vendor pursuant to section 69499
5739.17 of the Revised Code shall not be required to register with 69500
the commissioner pursuant to this section if all sales to 69501
consumers in this state are made under the authority of the 69502
seller's vendor's license. 69503

(3) ~~Unless the seller has substantial nexus with this state~~ 69504
~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised~~ 69505
~~Code, a~~ A seller is not required to register under this section if 69506
the seller has no contact with this state other than an agency 69507
relationship with a person engaged in the business of 69508
telemarketing in this state and engaged by the seller exclusively 69509
for the purpose of solicitation of customers in other states. 69510

(4) A seller is not required to register under this section 69511
if the seller has no contact with this state other than the 69512
ownership of property that is located at the facility of a printer 69513
with which the seller has contracted for printing and that 69514
consists of the final printed product, property that becomes a 69515
part of the final printed product, or copy from which the final 69516
printed product is produced. 69517

(B) A seller who does not have substantial nexus with this 69518
state may voluntarily register with the commissioner. A seller who 69519
voluntarily registers with the commissioner under this section is 69520
entitled to the same benefits and is subject to the same duties 69521
and requirements as a seller required to be registered with the 69522

commissioner under this chapter. 69523

The commissioner shall maintain an alphabetical index of all 69524
sellers registered under this chapter and records of the use tax 69525
reported and paid. Upon request, this information shall be made 69526
available to the treasurer of state. 69527

(C) A remote small seller is not required to register under 69528
this section. 69529

Sec. 5743.01. As used in this chapter: 69530

(A) "Person" includes individuals, firms, partnerships, 69531
associations, joint-stock companies, corporations, combinations of 69532
individuals of any form, and the state and any of its political 69533
subdivisions. 69534

(B) "Wholesale dealer" includes only those persons: 69535

(1) Who bring in or cause to be brought into this state 69536
unstamped cigarettes purchased directly from the manufacturer, 69537
producer, or importer of cigarettes for sale in this state but 69538
does not include persons who bring in or cause to be brought into 69539
this state cigarettes with respect to which no evidence of tax 69540
payment is required thereon as provided in section 5743.04 of the 69541
Revised Code; or 69542

(2) Who are engaged in the business of selling cigarettes or 69543
tobacco products to others for the purpose of resale. 69544

"Wholesale dealer" does not include any cigarette 69545
manufacturer, export warehouse proprietor, or importer with a 69546
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 69547
in this state only to wholesale dealers holding valid and current 69548
licenses under section 5743.15 of the Revised Code or to an export 69549
warehouse proprietor or another manufacturer. 69550

(C) "Retail dealer" includes: 69551

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales;

(3) In reference to dealers in vapor products, any person in this state engaged in the business of selling vapor products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.

(G) "Storage" includes any keeping or retention of cigarettes ~~or~~, tobacco products, or vapor products for use or consumption in this state.

(H) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes ~~or~~, tobacco products, or

vapor products. 69583

(I) "Tobacco product" or "other tobacco product" means any 69584
product made from tobacco, other than cigarettes, that is made for 69585
smoking or chewing, or both, and snuff. 69586

(J) "Wholesale price" means the invoice price, including all 69587
federal excise taxes, at which the manufacturer of the tobacco 69588
product sells the tobacco product to unaffiliated distributors, 69589
excluding any discounts based on the method of payment of the 69590
invoice or on time of payment of the invoice. If the taxpayer buys 69591
from other than a manufacturer, "wholesale price" means the 69592
invoice price, including all federal excise taxes and excluding 69593
any discounts based on the method of payment of the invoice or on 69594
time of payment of the invoice. 69595

(K) "Distributor" means: 69596

(1) Any manufacturer who sells, barter, exchanges, or 69597
distributes tobacco products to a retail dealer in the state, 69598
except when selling to a retail dealer that has filed with the 69599
manufacturer a signed statement agreeing to pay and be liable for 69600
the tax imposed by section 5743.51 of the Revised Code; 69601

(2) Any wholesale dealer located in the state who receives 69602
tobacco products from a manufacturer, or who receives tobacco 69603
products on which the tax imposed by this chapter has not been 69604
paid; 69605

(3) Any wholesale dealer located outside the state who sells, 69606
barter, exchanges, or distributes tobacco products to a wholesale 69607
or retail dealer in the state; or 69608

(4) Any retail dealer who receives tobacco products on which 69609
the tax has not or will not be paid by another distributor, 69610
including a retail dealer that has filed a signed statement with a 69611
manufacturer in which the retail dealer agrees to pay and be 69612
liable for the tax that would otherwise be imposed on the 69613

manufacturer by section 5743.51 of the Revised Code. 69614

(L) "Taxpayer" means any person liable for the tax imposed by 69615
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 69616

(M) "Seller" means any person located outside this state 69617
engaged in the business of selling tobacco products or vapor 69618
products to consumers for storage, use, or other consumption in 69619
this state. 69620

(N) "Manufacturer" means any person who manufactures and 69621
sells cigarettes or tobacco products. 69622

(O) "Importer" means any person that is authorized, under a 69623
valid permit issued under Section 5713 of the Internal Revenue 69624
Code, to import finished cigarettes into the United States, either 69625
directly or indirectly. 69626

(P) "Little cigar" means any roll for smoking, other than 69627
cigarettes, made wholly or in part of tobacco that uses an 69628
integrated cellulose acetate filter or other filter and is wrapped 69629
in any substance containing tobacco, other than natural leaf 69630
tobacco. 69631

(Q) "Premium cigar" means any roll for smoking, other than 69632
cigarettes and little cigars, that is made wholly or in part of 69633
tobacco and that has all of the following characteristics: 69634

(1) The binder and wrapper of the roll consist entirely of 69635
leaf tobacco. 69636

(2) The roll contains no filter or tip, nor any mouthpiece 69637
consisting of a material other than tobacco. 69638

(3) The weight of one thousand such rolls is at least six 69639
pounds. 69640

(R) "Maximum tax amount" means fifty cents plus the tax 69641
adjustment factor computed under this division. 69642

In April of each year beginning in 2018, the tax commissioner 69643

shall compute a tax adjustment factor by multiplying fifty cents 69644
by the cumulative percentage increase in the consumer price index 69645
(all items, all urban consumers) prepared by the bureau of labor 69646
statistics of the United States department of labor from January 69647
1, 2017, to the last day of December of the preceding year and 69648
rounding the resulting product to the nearest one cent; provided, 69649
that the tax adjustment factor for any year shall not be less than 69650
that for the immediately preceding year. The maximum tax amount 69651
resulting from the computation of the tax adjustment factor 69652
applies on and after the ensuing first day of July through the 69653
thirtieth day of June thereafter. 69654

(S) "Secondary manufacturer" means any person in this state 69655
engaged in the business of repackaging, reconstituting, diluting, 69656
or reprocessing a vapor product for resale to consumers. 69657

(T) "Vapor product" means a noncombustible product that 69658
contains or is made or derived from nicotine, that is intended and 69659
marketed for human consumption, including by smoking, inhaling, 69660
snorting, or sniffing, and that includes any component, part, or 69661
additive that is intended for use in a mechanical heating element, 69662
battery, or electronic circuit and is used to deliver the product. 69663
"Vapor product" does not include any product that is a drug, 69664
device, or combination product, as those terms are defined or 69665
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 69666
any product containing nicotine, regardless of concentration. 69667

(U) "Vapor distributor" means any person that: 69668

(1) Sells vapor products to a retail dealer; 69669

(2) Is a retail dealer that receives vapor products with 69670
respect to which the tax imposed by this chapter has not or will 69671
not be paid by another person that is a vapor distributor; or 69672

(3) Is a secondary manufacturer. 69673

(V) "First invoice price" means the invoice price of the 69674

vapor product, excluding any discounts based on the method of 69675
payment of the invoice or on the time of payment of the invoice. 69676

Sec. 5743.025. In addition to the return required by section 69677
5743.03 of the Revised Code, each retail dealer of cigarettes in a 69678
county in which a tax is levied under section 5743.021, 5743.024, 69679
or 5743.026 of the Revised Code shall, within thirty days after 69680
the date on which the tax takes effect, make and file a return, on 69681
forms prescribed by the tax commissioner, showing the total number 69682
of cigarettes which such retail dealer had on hand as of the 69683
beginning of business on the date on which the tax takes effect, 69684
and such other information as the commissioner deems necessary for 69685
the administration of section 5743.021, 5743.024, or 5743.026 of 69686
the Revised Code. Each such retail dealer shall deliver the return 69687
together with a remittance of the additional amount of tax due on 69688
the cigarettes shown on such return to the commissioner. Any 69689
retail dealer of cigarettes who fails to file a return under this 69690
section shall, for each day the retail dealer so fails, forfeit 69691
and pay into the state treasury the sum of one dollar as revenue 69692
arising from the tax imposed by section 5743.021, 5743.024, or 69693
5743.026 of the Revised Code, and such sum may be collected by 69694
assessment in the manner provided in section 5743.081 of the 69695
Revised Code. For thirty days after the effective date of a tax 69696
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 69697
Code, a retail dealer may possess for sale or sell in the county 69698
in which the tax is levied cigarettes not bearing the stamp 69699
required by section 5743.03 of the Revised Code to evidence 69700
payment of the county tax but on which the tax has or will be 69701
paid. 69702

Sec. 5743.14. (A) The tax commissioner or an agent of the ~~tax~~ 69703
commissioner may enter and inspect the facilities and records of a 69704
person selling cigarettes ~~or~~, other tobacco products, or vapor 69705

products. Such entrance and inspection requires a properly issued 69706
search warrant if conducted outside the normal business hours of 69707
the person, but does not require a search warrant if conducted 69708
during the normal business hours of the person. No person shall 69709
prevent or hinder the ~~tax~~ commissioner or an agent of the ~~tax~~ 69710
commissioner from carrying out the authority granted under this 69711
division. 69712

(B) If a peace officer as defined in section 2935.01 of the 69713
Revised Code knows or has reasonable cause to believe that a motor 69714
vehicle is transporting cigarettes or other tobacco products in 69715
violation of this chapter or section 2927.023 of the Revised Code, 69716
the peace officer may stop the vehicle and inspect the vehicle to 69717
determine the presence of such cigarettes or other tobacco 69718
products. 69719

Sec. 5743.20. No person shall sell any cigarettes both as a 69720
retail dealer and as a wholesale dealer at the same place of 69721
business. No person other than a licensed wholesale dealer shall 69722
sell cigarettes to a licensed retail dealer. No retail dealer 69723
shall purchase cigarettes from any person other than a licensed 69724
wholesale dealer. 69725

Subject to section 5743.031 of the Revised Code, a licensed 69726
wholesale dealer may not sell cigarettes to any person in this 69727
state other than a licensed retail dealer, except a licensed 69728
wholesale dealer may sell cigarettes to another licensed wholesale 69729
dealer if the tax commissioner has authorized the sale of the 69730
cigarettes between those wholesale dealers and the wholesale 69731
dealer that sells the cigarettes received them directly from a 69732
licensed manufacturer or licensed importer. 69733

The tax commissioner shall adopt rules governing sales of 69734
cigarettes between licensed wholesale dealers, including rules 69735
establishing criteria for authorizing such sales. 69736

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or licensed importer. No importer shall purchase cigarettes from any person other than a licensed manufacturer or licensed importer.

A retail dealer may purchase other tobacco products only from a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products.

The tax commissioner may adopt rules governing sales of tobacco products between licensed distributors, including rules establishing criteria for authorizing such sales.

No person other than a secondary manufacturer that is a licensed vapor distributor shall reconstitute, dilute, or reprocess vapor products for resale to consumers. All secondary manufacturers shall package reconstituted, diluted, or reprocessed vapor products in compliance with Chapter 39A of Title 15 of the United States Code. A licensed vapor distributor may sell vapor products only to a retail dealer or to another person licensed under section 5743.61 of the Revised Code, except that, if the licensed vapor distributor is a retail dealer, the licensed vapor distributor may also sell vapor products to consumers.

The identities of cigarette manufacturers and importers, licensed cigarette wholesalers, licensed distributors of other tobacco products, ~~and~~ registered manufacturers and importers of other tobacco products, and licensed vapor distributors are subject to public disclosure. The tax commissioner shall maintain an alphabetical list of all such manufacturers, importers, wholesalers, and distributors, shall post the list on a web site

accessible to the public through the internet, and shall 69769
periodically update the web site posting. 69770

As used in this section, "licensed" means the manufacturer, 69771
importer, wholesale dealer, or distributor or vapor distributor 69772
holds a current and valid license issued under section 5743.15 or 69773
5743.61 of the Revised Code, and "registered" means registered 69774
with the commissioner under section 5743.66 of the Revised Code. 69775

Sec. 5743.41. No person engaged in the business of 69776
trafficking in cigarettes or in the business of distributing 69777
tobacco products, vapor products, or both shall fail to post and 69778
keep constantly displayed in a conspicuous place in the building 69779
where such business is carried on the license required by section 69780
5743.15 or 5743.61 of the Revised Code, or sell or offer to sell 69781
cigarettes, cigarette wrappers, or a substitute for either, or 69782
sell or offer to sell tobacco products or vapor products, without 69783
complying with the law relating to cigarettes ~~and~~, tobacco 69784
products, and vapor products. 69785

Sec. 5743.44. (A) Any person, other than an employee of the 69786
state, who furnishes to the department of taxation, attorney 69787
general, or any law enforcement agency original information 69788
concerning any violation of Chapter 5743. of the Revised Code, 69789
which information results in the collection and recovery of any 69790
tax or penalty or leads to the forfeiture of any cigarettes, may 69791
be awarded and paid by the treasurer of state, upon the 69792
certification of the tax commissioner, a compensation of not more 69793
than twenty per cent of the net amount received from the sale of 69794
any forfeited cigarettes, but not exceeding ten thousand dollars 69795
in any case, which shall be paid out of the receipts of such sale. 69796
If in the opinion of the attorney general and the tax commissioner 69797
it is necessary to preserve the identity of the person furnishing 69798
such information, they shall file with the treasurer of state an 69799

affidavit stating such necessity and a warrant may be issued 69800
jointly to the attorney general and the tax commissioner. Upon 69801
payment of such money to the person furnishing the information, 69802
the attorney general and the tax commissioner shall file with the 69803
treasurer of state an affidavit that the money has been paid by 69804
them to the person entitled thereto. 69805

(B) Except for the minimum quantity of cigarettes ~~or~~ tobacco 69806
products, or vapor products needed as evidence to establish a 69807
violation under this chapter, all cigarettes ~~or~~ tobacco products, 69808
or vapor products seized under this chapter shall be within the 69809
sole control and jurisdiction of the tax commissioner for sale 69810
pursuant to section 5743.08 or 5743.55 of the Revised Code. 69811

Sec. 5743.51. (A) To provide revenue for the general revenue 69812
fund of the state, an excise tax on tobacco products and vapor 69813
products is hereby levied at one of the following rates: 69814

(1) For tobacco products other than little cigars or premium 69815
cigars, seventeen per cent of the wholesale price of the tobacco 69816
product received by a distributor or sold by a manufacturer to a 69817
retail dealer located in this state. 69818

(2) ~~For invoices dated October 1, 2013, or later,~~ 69819
~~thirty-seven~~ Thirty-seven per cent of the wholesale price of 69820
little cigars received by a distributor or sold by a manufacturer 69821
to a retail dealer located in this state. 69822

(3) For premium cigars received by a distributor or sold by a 69823
manufacturer to a retail dealer located in this state, the lesser 69824
of seventeen per cent of the wholesale price of such premium 69825
cigars or the maximum tax amount per each such premium cigar. 69826

(4) Seventeen per cent of the first invoice price of vapor 69827
products the first time the products are received by a vapor 69828
distributor in this state. 69829

Each distributor or vapor distributor who brings tobacco 69830
products or vapor products, or causes tobacco products or vapor 69831
products to be brought, into this state for distribution within 69832
this state, or any out-of-state distributor or vapor distributor 69833
who sells tobacco products or vapor products to wholesale or 69834
retail dealers located in this state for resale by those wholesale 69835
or retail dealers is liable for the tax imposed by this section. 69836
Only one sale of the same article shall be used in computing the 69837
amount of the tax due. If a vapor product is repackaged, 69838
reconstituted, diluted, or reprocessed, the subsequent sale of 69839
that vapor product is not considered another sale of the same 69840
article for purposes of computing the amount of tax due. 69841

(B) The treasurer of state shall place to the credit of the 69842
tax refund fund created by section 5703.052 of the Revised Code, 69843
out of the receipts from the tax levied by this section, amounts 69844
equal to the refunds certified by the tax commissioner pursuant to 69845
section 5743.53 of the Revised Code. The balance of the taxes 69846
collected under this section shall be paid into the general 69847
revenue fund. 69848

(C) The commissioner may adopt rules as are necessary to 69849
assist in the enforcement and administration of sections 5743.51 69850
to 5743.66 of the Revised Code, including rules providing for the 69851
remission of penalties imposed. 69852

(D) A manufacturer is not liable for payment of the tax 69853
imposed by this section for sales of tobacco products to a retail 69854
dealer that has filed a signed statement with the manufacturer in 69855
which the retail dealer agrees to pay and be liable for the tax, 69856
as long as the manufacturer has provided a copy of the statement 69857
to the tax commissioner. 69858

Sec. 5743.52. (A) Each distributor of tobacco products or 69859
vapor distributor subject to the tax levied by section 5743.51 of 69860

the Revised Code, on or before the twenty-third day of each month, 69861
shall file with the tax commissioner a return for the preceding 69862
month showing any information the tax commissioner finds necessary 69863
for the proper administration of ~~sections 5743.51 to 5743.66 of~~ 69864
~~the Revised Code~~ this chapter, together with remittance of the tax 69865
due. The return and payment of the tax required by this section 69866
shall be filed ~~in such a manner that it is received by the~~ 69867
~~commissioner~~ and made electronically on or before the twenty-third 69868
day of the month following the reporting period. If the return is 69869
filed and the amount of tax shown on the return to be due is paid 69870
on or before the date the return is required to be filed, the 69871
distributor or vapor distributor is entitled to a discount equal 69872
to two and five-tenths per cent of the amount shown on the return 69873
to be due. 69874

(B) Any person who fails to timely file the return and make 69875
payment of taxes as required under this section, section 5743.62, 69876
or section 5743.63 of the Revised Code may be required to pay an 69877
additional charge not exceeding the greater of fifty dollars or 69878
ten per cent of the tax due. Any additional charge imposed under 69879
this section may be collected by assessment as provided in section 69880
5743.56 of the Revised Code. 69881

(C) If any tax due is not paid timely in accordance with 69882
sections 5743.52, 5743.62, or 5743.63 of the Revised Code, the 69883
person liable for the tax shall pay interest, calculated at the 69884
rate per annum as prescribed by section 5703.47 of the Revised 69885
Code, from the date the tax payment was due to the date of payment 69886
or to the date an assessment is issued under section 5743.56 of 69887
the Revised Code, whichever occurs first. The commissioner may 69888
collect such interest by assessment pursuant to section 5743.56 of 69889
the Revised Code. 69890

(D) The commissioner may authorize the filing of returns and 69891
the payment of the tax required by this section, section 5743.62, 69892

or section 5743.63 of the Revised Code for periods longer than a 69893
calendar month. 69894

(E) The commissioner may order any taxpayer to file with the 69895
commissioner security to the satisfaction of the commissioner 69896
conditioned upon filing the return and paying the taxes required 69897
under this section, section 5743.62, or section 5743.63 of the 69898
Revised Code if the commissioner believes that the collection of 69899
the tax may be in jeopardy. 69900

Sec. 5743.53. (A) The treasurer of state shall refund to a 69901
taxpayer any of the following: 69902

(1) Any tobacco products or vapor products tax paid 69903
erroneously; 69904

(2) Any tobacco products or vapor products tax paid on an 69905
illegal or erroneous assessment; 69906

(3) Any tax paid on tobacco products or vapor products that 69907
have been sold or shipped to retail ~~or~~ dealers, wholesale dealers, 69908
vapor distributors, or secondary manufacturers outside this state, 69909
returned to the manufacturer, or destroyed by the taxpayer with 69910
the prior approval of the tax commissioner. 69911

Any application for refund shall be filed with the ~~tax~~ 69912
commissioner on a form prescribed by the commissioner for that 69913
purpose. The commissioner may not pay any refund on an application 69914
for refund filed with the commissioner more than three years from 69915
the date of payment of the tax. 69916

(B) On the filing of the application for refund, the 69917
commissioner shall determine the amount of the refund to which the 69918
applicant is entitled. If the amount is not less than that 69919
claimed, the commissioner shall certify the amount to the director 69920
of budget and management and to the treasurer of state for payment 69921
from the tax refund fund created by section 5703.052 of the 69922

Revised Code. If the amount is less than that claimed, the 69923
commissioner shall proceed in accordance with section 5703.70 of 69924
the Revised Code. 69925

If a refund is granted for payment of an illegal or erroneous 69926
assessment issued by the department of taxation, the refund shall 69927
include interest on the amount of the refund from the date of the 69928
overpayment. The interest shall be computed at the rate per annum 69929
in the manner prescribed by section 5703.47 of the Revised Code. 69930

(C) If any person entitled to a refund of tax under this 69931
section or section 5703.70 of the Revised Code is indebted to the 69932
state for any tax administered by the tax commissioner, or any 69933
charge, penalties, or interest arising from such tax, the amount 69934
allowable on the application for refund first shall be applied in 69935
satisfaction of the debt. 69936

(D) In lieu of granting a refund payable under division 69937
(A)(3) of this section, the tax commissioner may allow a taxpayer 69938
to claim a credit of the amount of refundable tax on the return 69939
for the period during which the tax became refundable. The 69940
commissioner may require taxpayers to submit any information 69941
necessary to support a claim for a credit under this section, and 69942
the commissioner shall allow no credit if that information is not 69943
provided. 69944

Sec. 5743.54. (A) Each distributor of tobacco products and 69945
each vapor distributor of vapor products shall maintain complete 69946
and accurate records of all purchases and sales of tobacco 69947
products or vapor products, and shall procure and retain all 69948
invoices, bills of lading, and other documents relating to the 69949
purchases and sales of ~~tobacco~~ those products. The distributor or 69950
vapor distributor shall keep open records and documents during 69951
business hours for the inspection of the tax commissioner, and 69952
shall preserve them for a period of three years from the date the 69953

return was due or was filed, whichever is later, unless the 69954
commissioner, in writing, consents to their destruction within 69955
that period, or orders that they be kept for a longer period of 69956
time. 69957

(B) Each distributor of tobacco products and each vapor 69958
distributor of vapor products subject to the tax levied by section 69959
5743.51 of the Revised Code shall mark on the invoices of tobacco 69960
products or vapor products sold that the tax levied by that 69961
section has been paid and shall indicate the distributor's or 69962
vapor distributor's account number as assigned by the ~~tax~~ 69963
commissioner. 69964

(C) No person shall make a false entry upon any invoice or 69965
record upon which an entry is required by this section and no 69966
person shall present any false entry for the inspection of the 69967
commissioner with the intent to evade the tax levied under section 69968
5743.51, 5743.62, or 5743.63 of the Revised Code. 69969

Sec. 5743.55. Whenever the tax commissioner discovers any 69970
tobacco products or vapor products, subject to the tax levied 69971
under section 5743.51, 5743.62, or 5743.63 of the Revised Code, 69972
~~and~~ upon which the tax has not been paid or the commissioner has 69973
reason to believe the tax is being avoided, the commissioner may 69974
seize and take possession of the tobacco products or vapor 69975
products, which, upon seizure, shall be forfeited to the state. 69976
Within a reasonable time after seizure, the commissioner may sell 69977
the forfeited ~~tobacco~~ products. From the proceeds of this sale, 69978
the ~~tax~~ commissioner shall pay the costs incurred in the seizure 69979
and sale, and any proceeds remaining after the sale shall be 69980
considered as revenue arising from the tax. The seizure and sale 69981
shall not relieve any person from the fine or imprisonment 69982
provided for violation of sections 5743.51 to 5743.66 of the 69983
Revised Code. The commissioner shall make the sale where it is 69984

most convenient and economical, but may order the destruction of 69985
the forfeited ~~tobacco~~ products if the quantity or quality of 69986
~~tobacco products~~ is not sufficient to warrant their sale. 69987

Sec. 5743.59. (A) No retail dealer of tobacco products or 69988
vapor products shall have in the retail dealer's possession 69989
tobacco products or vapor products on which the tax imposed by 69990
section 5743.51 of the Revised Code has not been paid, unless the 69991
retail dealer is licensed under section 5743.61 of the Revised 69992
Code. Payment may be evidenced by invoices from distributors or 69993
vapor distributors stating the tax has been paid. 69994

(B) The tax commissioner may inspect any place where tobacco 69995
products or vapor products subject to the tax levied under section 69996
5743.51 of the Revised Code are sold or stored. 69997

(C) No person shall prevent or hinder the ~~tax~~ commissioner 69998
from making a full inspection of any place where tobacco products 69999
or vapor products subject to the tax imposed by section 5743.51 of 70000
the Revised Code are sold or stored, or prevent or hinder the full 70001
inspection of invoices, books, or records required to be kept by 70002
section 5743.54 of the Revised Code. 70003

Sec. 5743.60. No person shall prepare for shipment, ship, 70004
transport, deliver, prepare for distribution, or distribute 70005
tobacco products or vapor products, or otherwise engage or 70006
participate in the business of distributing tobacco products or 70007
vapor products, with the intent to avoid payment of the tax levied 70008
by section 5743.51, 5743.62, or 5743.63 of the Revised Code, when 70009
the wholesale price of the tobacco products or the first invoice 70010
price of the vapor products exceeds three hundred dollars during 70011
any twelve-month period. 70012

Sec. 5743.61. (A) ~~Except as otherwise provided in this~~ 70013
~~division, no~~ (1) No distributor or vapor distributor shall engage 70014

in the business of distributing tobacco products, vapor products, 70015
or both within this state without having a license issued by the 70016
department of taxation to engage in that business. ~~Or~~ 70017

(2) On the dissolution of a partnership by death, the 70018
surviving partner may operate under the license of the partnership 70019
until the expiration of the license, and the heirs or legal 70020
representatives of deceased persons, and receivers and trustees in 70021
bankruptcy appointed by any competent authority, may operate under 70022
the license of the person succeeded in possession by the heir, 70023
representative, receiver, or trustee in bankruptcy if the partner 70024
or successor notifies the department of taxation of the 70025
dissolution or succession within thirty days after the dissolution 70026
or succession. 70027

(B)(1) Each applicant for a license ~~to engage in the business~~ 70028
~~of distributing tobacco products~~ described by division (A)(1) of 70029
this section, annually, on or before the first day of February, 70030
shall make and deliver to the tax commissioner, upon a form 70031
furnished by the commissioner for that purpose, a statement 70032
showing the name of the applicant, each physical place from which 70033
the applicant distributes to distributors, vapor distributors, 70034
retail dealers, ~~or~~ wholesale dealers, or secondary manufacturers, 70035
and any other information the commissioner considers necessary for 70036
the administration of sections 5743.51 to 5743.66 of the Revised 70037
Code. 70038

(2) At the time of making the license application, the 70039
applicant shall pay an application fee of one thousand dollars for 70040
each place listed on the application where the applicant proposes 70041
to carry on that business. The fee charged for the application 70042
shall accompany the application and shall be made payable to the 70043
treasurer of state for deposit into the cigarette tax enforcement 70044
fund. 70045

(3) Upon receipt of the application and payment of any 70046

licensing fee required by this section, the commissioner shall 70047
verify that the applicant has filed all returns, submitted all 70048
information, and paid all outstanding taxes, charges, or fees as 70049
required for any taxes, charges, or fees administered by the 70050
commissioner, to the extent the commissioner is aware of the 70051
returns, information, taxes, charges, or fees at the time of the 70052
application. Upon approval, the commissioner shall issue to the 70053
applicant a license for each place of distribution designated in 70054
the application authorizing the applicant to engage in business at 70055
that location for one year commencing on the first day of 70056
February. For licenses issued after the first day of February, the 70057
license application fee shall be reduced proportionately by the 70058
remainder of the twelve-month period for which the license is 70059
issued, except that the application fee required to be paid under 70060
this section shall be not less than two hundred dollars. If the 70061
original license is lost, destroyed, or defaced, a duplicate 70062
license may be obtained from the commissioner upon payment of a 70063
license replacement fee of twenty-five dollars. 70064

(C) The holder of a tobacco and vapor products license may 70065
transfer the license to a place of business on condition that the 70066
licensee's ownership and business structure remains unchanged and 70067
the licensee applies to the commissioner for the transfer on a 70068
form issued by the commissioner, and pays a transfer fee of 70069
twenty-five dollars. 70070

(D) If a distributor or vapor distributor fails to file forms 70071
as required under Chapter 1346. or section 5743.52 of the Revised 70072
Code or pay the tax due for two consecutive periods or three 70073
periods during any twelve-month period, the commissioner may 70074
suspend the license issued to the distributor or vapor distributor 70075
under this section. The suspension is effective ten days after the 70076
commissioner notifies the distributor or vapor distributor of the 70077
suspension in writing personally or by certified mail. The 70078

commissioner shall lift the suspension when the distributor or 70079
vapor distributor files the delinquent forms and pays the tax due, 70080
including any penalties, interest, and additional charges. The 70081
commissioner may refuse to issue the annual renewal of the license 70082
required by this section and may refuse to issue a new license for 70083
a location of the distributor until all delinquent forms are filed 70084
and outstanding taxes are paid. This division does not apply to 70085
any unpaid or underpaid tax liability that is the subject of a 70086
petition or appeal filed pursuant to section 5743.56, 5717.02, or 70087
5717.04 of the Revised Code. 70088

(E)(1) The tax commissioner may impose a penalty of up to one 70089
thousand dollars on any person found to be engaging in the 70090
business of distributing tobacco products or vapor products 70091
without a license as required by this section. 70092

(2) Any person engaging in the business of distributing 70093
tobacco products or vapor products without a license as required 70094
by this section shall comply with divisions (B)(1) and (2) of this 70095
section within ten days after being notified of the requirement to 70096
do so. Failure to comply with division (E)(2) of this section 70097
subjects a person to penalties imposed under section 5743.99 of 70098
the Revised Code. 70099

Sec. 5743.62. (A) To provide revenue for the general revenue 70100
fund of the state, an excise tax is hereby levied on the seller of 70101
tobacco products or vapor products in this state at one of the 70102
following rates: 70103

(1) For tobacco products other than little cigars or premium 70104
cigars, seventeen per cent of the wholesale price of the tobacco 70105
product whenever the tobacco product is delivered to a consumer in 70106
this state for the storage, use, or other consumption of such 70107
tobacco products. 70108

(2) For little cigars, thirty-seven per cent of the wholesale 70109

price of the little cigars whenever the little cigars are 70110
delivered to a consumer in this state for the storage, use, or 70111
other consumption of the little cigars. 70112

(3) For premium cigars, whenever the premium cigars are 70113
delivered to a consumer in this state for the storage, use, or 70114
other consumption of the premium cigars, the lesser of seventeen 70115
per cent of the wholesale price of such premium cigars or the 70116
maximum tax amount per each such premium cigar. 70117

(4) For vapor products, seventeen per cent of the first 70118
invoice price when the vapor products are delivered to a consumer 70119
in this state for the storage, use, or other consumption of the 70120
vapor products. 70121

The tax imposed by this section applies only to sellers 70122
having substantial nexus ~~in~~ with this state, as defined in section 70123
5741.01 of the Revised Code. 70124

(B) A seller of tobacco products or vapor products who has 70125
substantial nexus ~~in~~ with this state as defined in section 5741.01 70126
of the Revised Code shall register with the tax commissioner and 70127
supply any information concerning the seller's contacts with this 70128
state as may be required by the tax commissioner. A seller who 70129
does not have substantial nexus ~~in~~ with this state may voluntarily 70130
register with the tax commissioner. A seller who voluntarily 70131
registers with the tax commissioner is entitled to the same 70132
benefits and is subject to the same duties and requirements as a 70133
seller required to be registered with the tax commissioner under 70134
this division. 70135

(C) Each seller of tobacco products or vapor products subject 70136
to the tax levied by this section, on or before the last day of 70137
each month, shall file with the tax commissioner a return for the 70138
preceding month showing any information the tax commissioner finds 70139
necessary for the proper administration of sections 5743.51 to 70140

5743.66 of the Revised Code, together with remittance of the tax 70141
due, payable to the treasurer of state. The return and payment of 70142
the tax required by this section shall be filed in such a manner 70143
that it is received by the tax commissioner on or before the last 70144
day of the month following the reporting period. If the return is 70145
filed and the amount of the tax shown on the return to be due is 70146
paid on or before the date the return is required to be filed, the 70147
seller is entitled to a discount equal to two and five-tenths per 70148
cent of the amount shown on the return to be due. 70149

(D) The tax commissioner shall immediately forward to the 70150
treasurer of state all money received from the tax levied by this 70151
section, and the treasurer shall credit the amount to the general 70152
revenue fund. 70153

(E) Each seller of tobacco products or vapor products subject 70154
to the tax levied by this section shall mark on the invoices of 70155
tobacco products or vapor products sold that the tax levied by 70156
that section has been paid and shall indicate the seller's account 70157
number as assigned by the tax commissioner. 70158

Sec. 5743.63. (A) To provide revenue for the general revenue 70159
fund of the state, an excise tax is hereby levied on the storage, 70160
use, or other consumption of tobacco products or vapor products at 70161
one of the following rates: 70162

(1) For tobacco products other than little cigars or premium 70163
cigars, seventeen per cent of the wholesale price of the tobacco 70164
product. 70165

(2) For little cigars, thirty-seven per cent of the wholesale 70166
price of the little cigars. 70167

(3) For premium cigars, the lesser of seventeen per cent of 70168
the wholesale price of the premium cigars or the maximum tax 70169
amount per each premium cigar. 70170

(4) For vapor products, seventeen per cent of the first 70171
invoice price. 70172

The tax levied under division (A) of this section is imposed 70173
only if the tax has not been paid by the seller as provided in 70174
section 5743.62 of the Revised Code, or by the distributor or 70175
vapor distributor as provided in section 5743.51 of the Revised 70176
Code. 70177

(B) Each person subject to the tax levied by this section, on 70178
or before the last day of each month, shall file with the tax 70179
commissioner a return for the preceding month showing any 70180
information the ~~tax~~ commissioner finds necessary for the proper 70181
administration of sections 5743.51 to 5743.66 of the Revised Code, 70182
together with remittance of the tax due, payable to the treasurer 70183
of state. The return and payment of the tax required by this 70184
section shall be filed in such a manner that it is received by the 70185
~~tax~~ commissioner on or before the last day of the month following 70186
the reporting period. 70187

(C) The tax commissioner shall immediately forward to the 70188
treasurer of state all money received from the tax levied by this 70189
section, and the treasurer shall credit the amount to the general 70190
revenue fund. 70191

Sec. 5745.05. (A) Prior to the first day of March, June, 70192
September, and December, the tax commissioner shall certify to the 70193
director of budget and management the amount to be paid to each 70194
municipal corporation, as indicated on the declaration of 70195
estimated tax reports and annual reports received under sections 70196
5745.03 and 5745.04 of the Revised Code, less any amounts 70197
previously distributed and net of any audit adjustments made by 70198
the tax commissioner. Not later than the first day of March, June, 70199
September, and December, the director of budget and management 70200
shall provide for payment of the amount certified to each 70201

municipal corporation from the municipal income tax fund, plus a 70202
pro rata share of any investment earnings accruing to the fund 70203
since the previous payment under this section apportioned among 70204
municipal corporations entitled to such payments in proportion to 70205
the amount certified by the tax commissioner, and minus any 70206
reduction required by the commissioner under division (D) of 70207
section 718.83 of the Revised Code. All investment earnings on 70208
money in the municipal income tax fund shall be credited to that 70209
fund. 70210

(B) If the tax commissioner determines that the amount of tax 70211
paid by a taxpayer and distributed to a municipal corporation 70212
under this section for a taxable year exceeds the amount payable 70213
to that municipal corporation under this chapter after accounting 70214
for amounts remitted with the annual report and as estimated 70215
taxes, the tax commissioner shall permit the taxpayer to credit 70216
the excess against the taxpayer's payments to the municipal 70217
corporation of estimated taxes remitted for an ensuing taxable 70218
year under section 5745.04 of the Revised Code. If, upon the 70219
written request of the taxpayer, the tax commissioner determines 70220
that the excess to be so credited is likely to exceed the amount 70221
of estimated taxes payable by the taxpayer to the municipal 70222
corporation during the ensuing twelve months, the tax commissioner 70223
shall so notify the municipal corporation and the municipal 70224
corporation shall issue a refund of the excess to the taxpayer 70225
within ninety days after receiving such a notice. Interest shall 70226
accrue on the amount to be refunded and is payable to the taxpayer 70227
at the rate per annum prescribed by section 5703.47 of the Revised 70228
Code from the ninety-first day after the notice is received by the 70229
municipal corporation until the day the refund is paid. 70230
Immediately after notifying a municipal corporation under this 70231
division of an excess to be refunded, the commissioner also shall 70232
notify the director of budget and management of the amount of the 70233
excess, and the director shall transfer from the municipal income 70234

tax administrative fund to the municipal income tax fund one and 70235
one-half per cent of the amount of the excess. The commissioner 70236
shall include the transferred amount in the computation of the 70237
amount due the municipal corporation in the next certification to 70238
the director under division (A) of this section. 70239

Sec. 5747.01. Except as otherwise expressly provided or 70240
clearly appearing from the context, any term used in this chapter 70241
that is not otherwise defined in this section has the same meaning 70242
as when used in a comparable context in the laws of the United 70243
States relating to federal income taxes or if not used in a 70244
comparable context in those laws, has the same meaning as in 70245
section 5733.40 of the Revised Code. Any reference in this chapter 70246
to the Internal Revenue Code includes other laws of the United 70247
States relating to federal income taxes. 70248

As used in this chapter: 70249

(A) "Adjusted gross income" or "Ohio adjusted gross income" 70250
means federal adjusted gross income, as defined and used in the 70251
Internal Revenue Code, adjusted as provided in this section: 70252

(1) Add interest or dividends on obligations or securities of 70253
any state or of any political subdivision or authority of any 70254
state, other than this state and its subdivisions and authorities. 70255

(2) Add interest or dividends on obligations of any 70256
authority, commission, instrumentality, territory, or possession 70257
of the United States to the extent that the interest or dividends 70258
are exempt from federal income taxes but not from state income 70259
taxes. 70260

(3) Deduct interest or dividends on obligations of the United 70261
States and its territories and possessions or of any authority, 70262
commission, or instrumentality of the United States to the extent 70263
that the interest or dividends are included in federal adjusted 70264

gross income but exempt from state income taxes under the laws of 70265
the United States. 70266

(4) Deduct disability and survivor's benefits to the extent 70267
included in federal adjusted gross income. 70268

(5) Deduct benefits under Title II of the Social Security Act 70269
and tier 1 railroad retirement benefits to the extent included in 70270
federal adjusted gross income under section 86 of the Internal 70271
Revenue Code. 70272

(6) In the case of a taxpayer who is a beneficiary of a trust 70273
that makes an accumulation distribution as defined in section 665 70274
of the Internal Revenue Code, add, for the beneficiary's taxable 70275
years beginning before 2002, the portion, if any, of such 70276
distribution that does not exceed the undistributed net income of 70277
the trust for the three taxable years preceding the taxable year 70278
in which the distribution is made to the extent that the portion 70279
was not included in the trust's taxable income for any of the 70280
trust's taxable years beginning in 2002 or thereafter. 70281
"Undistributed net income of a trust" means the taxable income of 70282
the trust increased by (a)(i) the additions to adjusted gross 70283
income required under division (A) of this section and (ii) the 70284
personal exemptions allowed to the trust pursuant to section 70285
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 70286
deductions to adjusted gross income required under division (A) of 70287
this section, (ii) the amount of federal income taxes attributable 70288
to such income, and (iii) the amount of taxable income that has 70289
been included in the adjusted gross income of a beneficiary by 70290
reason of a prior accumulation distribution. Any undistributed net 70291
income included in the adjusted gross income of a beneficiary 70292
shall reduce the undistributed net income of the trust commencing 70293
with the earliest years of the accumulation period. 70294

(7) Deduct the amount of wages and salaries, if any, not 70295
otherwise allowable as a deduction but that would have been 70296

allowable as a deduction in computing federal adjusted gross 70297
income for the taxable year, had the targeted jobs credit allowed 70298
and determined under sections 38, 51, and 52 of the Internal 70299
Revenue Code not been in effect. 70300

(8) Deduct any interest or interest equivalent on public 70301
obligations and purchase obligations to the extent that the 70302
interest or interest equivalent is included in federal adjusted 70303
gross income. 70304

(9) Add any loss or deduct any gain resulting from the sale, 70305
exchange, or other disposition of public obligations to the extent 70306
that the loss has been deducted or the gain has been included in 70307
computing federal adjusted gross income. 70308

(10) Deduct or add amounts, as provided under section 5747.70 70309
of the Revised Code, related to contributions to variable college 70310
savings program accounts made or tuition units purchased pursuant 70311
to Chapter 3334. of the Revised Code. 70312

(11)(a) Deduct, to the extent not otherwise allowable as a 70313
deduction or exclusion in computing federal or Ohio adjusted gross 70314
income for the taxable year, the amount the taxpayer paid during 70315
the taxable year for medical care insurance and qualified 70316
long-term care insurance for the taxpayer, the taxpayer's spouse, 70317
and dependents. No deduction for medical care insurance under 70318
division (A)(11) of this section shall be allowed either to any 70319
taxpayer who is eligible to participate in any subsidized health 70320
plan maintained by any employer of the taxpayer or of the 70321
taxpayer's spouse, or to any taxpayer who is entitled to, or on 70322
application would be entitled to, benefits under part A of Title 70323
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 70324
301, as amended. For the purposes of division (A)(11)(a) of this 70325
section, "subsidized health plan" means a health plan for which 70326
the employer pays any portion of the plan's cost. The deduction 70327
allowed under division (A)(11)(a) of this section shall be the net 70328

of any related premium refunds, related premium reimbursements, or 70329
related insurance premium dividends received during the taxable 70330
year. 70331

(b) Deduct, to the extent not otherwise deducted or excluded 70332
in computing federal or Ohio adjusted gross income during the 70333
taxable year, the amount the taxpayer paid during the taxable 70334
year, not compensated for by any insurance or otherwise, for 70335
medical care of the taxpayer, the taxpayer's spouse, and 70336
dependents, to the extent the expenses exceed seven and one-half 70337
per cent of the taxpayer's federal adjusted gross income. 70338

(c) Deduct, to the extent not otherwise deducted or excluded 70339
in computing federal or Ohio adjusted gross income, any amount 70340
included in federal adjusted gross income under section 105 or not 70341
excluded under section 106 of the Internal Revenue Code solely 70342
because it relates to an accident and health plan for a person who 70343
otherwise would be a "qualifying relative" and thus a "dependent" 70344
under section 152 of the Internal Revenue Code but for the fact 70345
that the person fails to meet the income and support limitations 70346
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 70347

(d) For purposes of division (A)(11) of this section, 70348
"medical care" has the meaning given in section 213 of the 70349
Internal Revenue Code, subject to the special rules, limitations, 70350
and exclusions set forth therein, and "qualified long-term care" 70351
has the same meaning given in section 7702B(c) of the Internal 70352
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 70353
of this section, "dependent" includes a person who otherwise would 70354
be a "qualifying relative" and thus a "dependent" under section 70355
152 of the Internal Revenue Code but for the fact that the person 70356
fails to meet the income and support limitations under section 70357
152(d)(1)(B) and (C) of the Internal Revenue Code. 70358

(12)(a) Deduct any amount included in federal adjusted gross 70359
income solely because the amount represents a reimbursement or 70360

refund of expenses that in any year the taxpayer had deducted as 70361
an itemized deduction pursuant to section 63 of the Internal 70362
Revenue Code and applicable United States department of the 70363
treasury regulations. The deduction otherwise allowed under 70364
division (A)(12)(a) of this section shall be reduced to the extent 70365
the reimbursement is attributable to an amount the taxpayer 70366
deducted under this section in any taxable year. 70367

(b) Add any amount not otherwise included in Ohio adjusted 70368
gross income for any taxable year to the extent that the amount is 70369
attributable to the recovery during the taxable year of any amount 70370
deducted or excluded in computing federal or Ohio adjusted gross 70371
income in any taxable year. 70372

(13) Deduct any portion of the deduction described in section 70373
1341(a)(2) of the Internal Revenue Code, for repaying previously 70374
reported income received under a claim of right, that meets both 70375
of the following requirements: 70376

(a) It is allowable for repayment of an item that was 70377
included in the taxpayer's adjusted gross income for a prior 70378
taxable year and did not qualify for a credit under division (A) 70379
or (B) of section 5747.05 of the Revised Code for that year; 70380

(b) It does not otherwise reduce the taxpayer's adjusted 70381
gross income for the current or any other taxable year. 70382

(14) Deduct an amount equal to the deposits made to, and net 70383
investment earnings of, a medical savings account during the 70384
taxable year, in accordance with section 3924.66 of the Revised 70385
Code. The deduction allowed by division (A)(14) of this section 70386
does not apply to medical savings account deposits and earnings 70387
otherwise deducted or excluded for the current or any other 70388
taxable year from the taxpayer's federal adjusted gross income. 70389

(15)(a) Add an amount equal to the funds withdrawn from a 70390
medical savings account during the taxable year, and the net 70391

investment earnings on those funds, when the funds withdrawn were 70392
used for any purpose other than to reimburse an account holder 70393
for, or to pay, eligible medical expenses, in accordance with 70394
section 3924.66 of the Revised Code; 70395

(b) Add the amounts distributed from a medical savings 70396
account under division (A)(2) of section 3924.68 of the Revised 70397
Code during the taxable year. 70398

(16) Add any amount claimed as a credit under section 70399
5747.059 ~~or 5747.65~~ of the Revised Code to the extent that such 70400
amount satisfies either of the following: 70401

(a) The amount was deducted or excluded from the computation 70402
of the taxpayer's federal adjusted gross income as required to be 70403
reported for the taxpayer's taxable year under the Internal 70404
Revenue Code; 70405

(b) The amount resulted in a reduction of the taxpayer's 70406
federal adjusted gross income as required to be reported for any 70407
of the taxpayer's taxable years under the Internal Revenue Code. 70408

(17) Deduct the amount contributed by the taxpayer to an 70409
individual development account program established by a county 70410
department of job and family services pursuant to sections 329.11 70411
to 329.14 of the Revised Code for the purpose of matching funds 70412
deposited by program participants. On request of the tax 70413
commissioner, the taxpayer shall provide any information that, in 70414
the tax commissioner's opinion, is necessary to establish the 70415
amount deducted under division (A)(17) of this section. 70416

(18) Beginning in taxable year 2001 but not for any taxable 70417
year beginning after December 31, 2005, if the taxpayer is married 70418
and files a joint return and the combined federal adjusted gross 70419
income of the taxpayer and the taxpayer's spouse for the taxable 70420
year does not exceed one hundred thousand dollars, or if the 70421
taxpayer is single and has a federal adjusted gross income for the 70422

taxable year not exceeding fifty thousand dollars, deduct amounts 70423
paid during the taxable year for qualified tuition and fees paid 70424
to an eligible institution for the taxpayer, the taxpayer's 70425
spouse, or any dependent of the taxpayer, who is a resident of 70426
this state and is enrolled in or attending a program that 70427
culminates in a degree or diploma at an eligible institution. The 70428
deduction may be claimed only to the extent that qualified tuition 70429
and fees are not otherwise deducted or excluded for any taxable 70430
year from federal or Ohio adjusted gross income. The deduction may 70431
not be claimed for educational expenses for which the taxpayer 70432
claims a credit under section 5747.27 of the Revised Code. 70433

(19) Add any reimbursement received during the taxable year 70434
of any amount the taxpayer deducted under division (A)(18) of this 70435
section in any previous taxable year to the extent the amount is 70436
not otherwise included in Ohio adjusted gross income. 70437

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 70438
(v) of this section, add five-sixths of the amount of depreciation 70439
expense allowed by subsection (k) of section 168 of the Internal 70440
Revenue Code, including the taxpayer's proportionate or 70441
distributive share of the amount of depreciation expense allowed 70442
by that subsection to a pass-through entity in which the taxpayer 70443
has a direct or indirect ownership interest. 70444

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 70445
this section, add five-sixths of the amount of qualifying section 70446
179 depreciation expense, including the taxpayer's proportionate 70447
or distributive share of the amount of qualifying section 179 70448
depreciation expense allowed to any pass-through entity in which 70449
the taxpayer has a direct or indirect ownership interest. 70450

(iii) Subject to division (A)(20)(a)(v) of this section, for 70451
taxable years beginning in 2012 or thereafter, if the increase in 70452
income taxes withheld by the taxpayer is equal to or greater than 70453
ten per cent of income taxes withheld by the taxpayer during the 70454

taxpayer's immediately preceding taxable year, "two-thirds" shall 70455
be substituted for "five-sixths" for the purpose of divisions 70456
(A)(20)(a)(i) and (ii) of this section. 70457

(iv) Subject to division (A)(20)(a)(v) of this section, for 70458
taxable years beginning in 2012 or thereafter, a taxpayer is not 70459
required to add an amount under division (A)(20) of this section 70460
if the increase in income taxes withheld by the taxpayer and by 70461
any pass-through entity in which the taxpayer has a direct or 70462
indirect ownership interest is equal to or greater than the sum of 70463
(I) the amount of qualifying section 179 depreciation expense and 70464
(II) the amount of depreciation expense allowed to the taxpayer by 70465
subsection (k) of section 168 of the Internal Revenue Code, and 70466
including the taxpayer's proportionate or distributive shares of 70467
such amounts allowed to any such pass-through entities. 70468

(v) If a taxpayer directly or indirectly incurs a net 70469
operating loss for the taxable year for federal income tax 70470
purposes, to the extent such loss resulted from depreciation 70471
expense allowed by subsection (k) of section 168 of the Internal 70472
Revenue Code and by qualifying section 179 depreciation expense, 70473
"the entire" shall be substituted for "five-sixths of the" for the 70474
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 70475

The tax commissioner, under procedures established by the 70476
commissioner, may waive the add-backs related to a pass-through 70477
entity if the taxpayer owns, directly or indirectly, less than 70478
five per cent of the pass-through entity. 70479

(b) Nothing in division (A)(20) of this section shall be 70480
construed to adjust or modify the adjusted basis of any asset. 70481

(c) To the extent the add-back required under division 70482
(A)(20)(a) of this section is attributable to property generating 70483
nonbusiness income or loss allocated under section 5747.20 of the 70484
Revised Code, the add-back shall be situated to the same location 70485

as the nonbusiness income or loss generated by the property for 70486
the purpose of determining the credit under division (A) of 70487
section 5747.05 of the Revised Code. Otherwise, the add-back shall 70488
be apportioned, subject to one or more of the four alternative 70489
methods of apportionment enumerated in section 5747.21 of the 70490
Revised Code. 70491

(d) For the purposes of division (A)(20)(a)(v) of this 70492
section, net operating loss carryback and carryforward shall not 70493
include the allowance of any net operating loss deduction 70494
carryback or carryforward to the taxable year to the extent such 70495
loss resulted from depreciation allowed by section 168(k) of the 70496
Internal Revenue Code and by the qualifying section 179 70497
depreciation expense amount. 70498

(e) For the purposes of divisions (A)(20) and (21) of this 70499
section: 70500

(i) "Income taxes withheld" means the total amount withheld 70501
and remitted under sections 5747.06 and 5747.07 of the Revised 70502
Code by an employer during the employer's taxable year. 70503

(ii) "Increase in income taxes withheld" means the amount by 70504
which the amount of income taxes withheld by an employer during 70505
the employer's current taxable year exceeds the amount of income 70506
taxes withheld by that employer during the employer's immediately 70507
preceding taxable year. 70508

(iii) "Qualifying section 179 depreciation expense" means the 70509
difference between (I) the amount of depreciation expense directly 70510
or indirectly allowed to a taxpayer under section 179 of the 70511
Internal Revised Code, and (II) the amount of depreciation expense 70512
directly or indirectly allowed to the taxpayer under section 179 70513
of the Internal Revenue Code as that section existed on December 70514
31, 2002. 70515

(21)(a) If the taxpayer was required to add an amount under 70516

division (A)(20)(a) of this section for a taxable year, deduct one 70517
of the following: 70518

(i) One-fifth of the amount so added for each of the five 70519
succeeding taxable years if the amount so added was five-sixths of 70520
qualifying section 179 depreciation expense or depreciation 70521
expense allowed by subsection (k) of section 168 of the Internal 70522
Revenue Code; 70523

(ii) One-half of the amount so added for each of the two 70524
succeeding taxable years if the amount so added was two-thirds of 70525
such depreciation expense; 70526

(iii) One-sixth of the amount so added for each of the six 70527
succeeding taxable years if the entire amount of such depreciation 70528
expense was so added. 70529

(b) If the amount deducted under division (A)(21)(a) of this 70530
section is attributable to an add-back allocated under division 70531
(A)(20)(c) of this section, the amount deducted shall be sitused 70532
to the same location. Otherwise, the add-back shall be apportioned 70533
using the apportionment factors for the taxable year in which the 70534
deduction is taken, subject to one or more of the four alternative 70535
methods of apportionment enumerated in section 5747.21 of the 70536
Revised Code. 70537

(c) No deduction is available under division (A)(21)(a) of 70538
this section with regard to any depreciation allowed by section 70539
168(k) of the Internal Revenue Code and by the qualifying section 70540
179 depreciation expense amount to the extent that such 70541
depreciation results in or increases a federal net operating loss 70542
carryback or carryforward. If no such deduction is available for a 70543
taxable year, the taxpayer may carry forward the amount not 70544
deducted in such taxable year to the next taxable year and add 70545
that amount to any deduction otherwise available under division 70546
(A)(21)(a) of this section for that next taxable year. The 70547

carryforward of amounts not so deducted shall continue until the 70548
entire addition required by division (A)(20)(a) of this section 70549
has been deducted. 70550

(d) No refund shall be allowed as a result of adjustments 70551
made by division (A)(21) of this section. 70552

(22) Deduct, to the extent not otherwise deducted or excluded 70553
in computing federal or Ohio adjusted gross income for the taxable 70554
year, the amount the taxpayer received during the taxable year as 70555
reimbursement for life insurance premiums under section 5919.31 of 70556
the Revised Code. 70557

(23) Deduct, to the extent not otherwise deducted or excluded 70558
in computing federal or Ohio adjusted gross income for the taxable 70559
year, the amount the taxpayer received during the taxable year as 70560
a death benefit paid by the adjutant general under section 5919.33 70561
of the Revised Code. 70562

(24) Deduct, to the extent included in federal adjusted gross 70563
income and not otherwise allowable as a deduction or exclusion in 70564
computing federal or Ohio adjusted gross income for the taxable 70565
year, military pay and allowances received by the taxpayer during 70566
the taxable year for active duty service in the United States 70567
army, air force, navy, marine corps, or coast guard or reserve 70568
components thereof or the national guard. The deduction may not be 70569
claimed for military pay and allowances received by the taxpayer 70570
while the taxpayer is stationed in this state. 70571

(25) Deduct, to the extent not otherwise allowable as a 70572
deduction or exclusion in computing federal or Ohio adjusted gross 70573
income for the taxable year and not otherwise compensated for by 70574
any other source, the amount of qualified organ donation expenses 70575
incurred by the taxpayer during the taxable year, not to exceed 70576
ten thousand dollars. A taxpayer may deduct qualified organ 70577
donation expenses only once for all taxable years beginning with 70578

taxable years beginning in 2007. 70579

For the purposes of division (A)(25) of this section: 70580

(a) "Human organ" means all or any portion of a human liver, 70581
pancreas, kidney, intestine, or lung, and any portion of human 70582
bone marrow. 70583

(b) "Qualified organ donation expenses" means travel 70584
expenses, lodging expenses, and wages and salary forgone by a 70585
taxpayer in connection with the taxpayer's donation, while living, 70586
of one or more of the taxpayer's human organs to another human 70587
being. 70588

(26) Deduct, to the extent not otherwise deducted or excluded 70589
in computing federal or Ohio adjusted gross income for the taxable 70590
year, amounts received by the taxpayer as retired personnel pay 70591
for service in the uniformed services or reserve components 70592
thereof, or the national guard, or received by the surviving 70593
spouse or former spouse of such a taxpayer under the survivor 70594
benefit plan on account of such a taxpayer's death. If the 70595
taxpayer receives income on account of retirement paid under the 70596
federal civil service retirement system or federal employees 70597
retirement system, or under any successor retirement program 70598
enacted by the congress of the United States that is established 70599
and maintained for retired employees of the United States 70600
government, and such retirement income is based, in whole or in 70601
part, on credit for the taxpayer's uniformed service, the 70602
deduction allowed under this division shall include only that 70603
portion of such retirement income that is attributable to the 70604
taxpayer's uniformed service, to the extent that portion of such 70605
retirement income is otherwise included in federal adjusted gross 70606
income and is not otherwise deducted under this section. Any 70607
amount deducted under division (A)(26) of this section is not 70608
included in a taxpayer's adjusted gross income for the purposes of 70609
section 5747.055 of the Revised Code. No amount may be deducted 70610

under division (A)(26) of this section on the basis of which a 70611
credit was claimed under section 5747.055 of the Revised Code. 70612

(27) Deduct, to the extent not otherwise deducted or excluded 70613
in computing federal or Ohio adjusted gross income for the taxable 70614
year, the amount the taxpayer received during the taxable year 70615
from the military injury relief fund created in section 5902.05 of 70616
the Revised Code. 70617

(28) Deduct, to the extent not otherwise deducted or excluded 70618
in computing federal or Ohio adjusted gross income for the taxable 70619
year, the amount the taxpayer received as a veterans bonus during 70620
the taxable year from the Ohio department of veterans services as 70621
authorized by Section 2r of Article VIII, Ohio Constitution. 70622

(29) Deduct, to the extent not otherwise deducted or excluded 70623
in computing federal or Ohio adjusted gross income for the taxable 70624
year, any income derived from a transfer agreement or from the 70625
enterprise transferred under that agreement under section 4313.02 70626
of the Revised Code. 70627

(30) Deduct, to the extent not otherwise deducted or excluded 70628
in computing federal or Ohio adjusted gross income for the taxable 70629
year, Ohio college opportunity or federal Pell grant amounts 70630
received by the taxpayer or the taxpayer's spouse or dependent 70631
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 70632
1070a, et seq., and used to pay room or board furnished by the 70633
educational institution for which the grant was awarded at the 70634
institution's facilities, including meal plans administered by the 70635
institution. For the purposes of this division, receipt of a grant 70636
includes the distribution of a grant directly to an educational 70637
institution and the crediting of the grant to the enrollee's 70638
account with the institution. 70639

~~(31)(a) For taxable years beginning in 2015, deduct from the 70640
portion of an individual's adjusted gross income that is business 70641~~

~~income, to the extent not otherwise deducted or excluded in 70642
computing federal or Ohio adjusted gross income for the taxable 70643
year, the lesser of the following amounts: 70644~~

~~(i) Seventy five per cent of the individual's business 70645
income; 70646~~

~~(ii) Ninety three thousand seven hundred fifty dollars for 70647
each spouse if spouses file separate returns under section 5747.08 70648
of the Revised Code or one hundred eighty seven thousand five 70649
hundred dollars for all other individuals. 70650~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct 70651
Deduct from the portion of an individual's adjusted gross income 70652
that is business income, to the extent not otherwise deducted or 70653
excluded in computing federal adjusted gross income for the 70654
taxable year, one hundred twenty-five thousand dollars for each 70655
spouse if spouses file separate returns under section 5747.08 of 70656
the Revised Code or two hundred fifty thousand dollars for all 70657
other individuals. 70658~~

(32) Deduct, as provided under section 5747.78 of the Revised 70659
Code, contributions to ABLE savings accounts made in accordance 70660
with sections 113.50 to 113.56 of the Revised Code. 70661

(33)(a) Deduct, to the extent not otherwise deducted or 70662
excluded in computing federal or Ohio adjusted gross income during 70663
the taxable year, all of the following: 70664

(i) Compensation paid to a qualifying employee described in 70665
division (A)(14)(a) of section 5703.94 of the Revised Code to the 70666
extent such compensation is for disaster work conducted in this 70667
state during a disaster response period pursuant to a qualifying 70668
solicitation received by the employee's employer; 70669

(ii) Compensation paid to a qualifying employee described in 70670
division (A)(14)(b) of section 5703.94 of the Revised Code to the 70671
extent such compensation is for disaster work conducted in this 70672

state by the employee during the disaster response period on 70673
critical infrastructure owned or used by the employee's employer; 70674

(iii) Income received by an out-of-state disaster business 70675
for disaster work conducted in this state during a disaster 70676
response period, or, if the out-of-state disaster business is a 70677
pass-through entity, a taxpayer's distributive share of the 70678
pass-through entity's income from the business conducting disaster 70679
work in this state during a disaster response period, if, in 70680
either case, the disaster work is conducted pursuant to a 70681
qualifying solicitation received by the business. 70682

(b) All terms used in division (A)(33) of this section have 70683
the same meanings as in section 5703.94 of the Revised Code. 70684

(34) For a taxpayer who is a qualifying Ohio educator, 70685
deduct, to the extent not otherwise deducted or excluded in 70686
computing federal or Ohio adjusted gross income for the taxable 70687
year, the lesser of two hundred fifty dollars or the amount of 70688
expenses described in subsections (a)(2)(D)(i) and (ii) of section 70689
62 of the Internal Revenue Code paid or incurred by the taxpayer 70690
during the taxpayer's taxable year in excess of the amount the 70691
taxpayer is authorized to deduct for that taxable year under 70692
subsection (a)(2)(D) of that section. "Qualifying Ohio educator" 70693
means an individual who, for a taxable year, qualifies as an 70694
eligible educator, as that term is defined in section 62 of the 70695
Internal Revenue Code, and who holds a certificate, license, or 70696
permit described in Chapter 3319. or section 3301.071 of the 70697
Revised Code. 70698

(B) "Business income" means income, including gain or loss, 70699
arising from transactions, activities, and sources in the regular 70700
course of a trade or business and includes income, gain, or loss 70701
from real property, tangible property, and intangible property if 70702
the acquisition, rental, management, and disposition of the 70703
property constitute integral parts of the regular course of a 70704

trade or business operation. "Business income" includes income, 70705
including gain or loss, from a partial or complete liquidation of 70706
a business, including, but not limited to, gain or loss from the 70707
sale or other disposition of goodwill. 70708

(C) "Nonbusiness income" means all income other than business 70709
income and may include, but is not limited to, compensation, rents 70710
and royalties from real or tangible personal property, capital 70711
gains, interest, dividends and distributions, patent or copyright 70712
royalties, or lottery winnings, prizes, and awards. 70713

(D) "Compensation" means any form of remuneration paid to an 70714
employee for personal services. 70715

(E) "Fiduciary" means a guardian, trustee, executor, 70716
administrator, receiver, conservator, or any other person acting 70717
in any fiduciary capacity for any individual, trust, or estate. 70718

(F) "Fiscal year" means an accounting period of twelve months 70719
ending on the last day of any month other than December. 70720

(G) "Individual" means any natural person. 70721

(H) "Internal Revenue Code" means the "Internal Revenue Code 70722
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 70723

(I) "Resident" means any of the following, provided that 70724
division (I)(3) of this section applies only to taxable years of a 70725
trust beginning in 2002 or thereafter: 70726

(1) An individual who is domiciled in this state, subject to 70727
section 5747.24 of the Revised Code; 70728

(2) The estate of a decedent who at the time of death was 70729
domiciled in this state. The domicile tests of section 5747.24 of 70730
the Revised Code are not controlling for purposes of division 70731
(I)(2) of this section. 70732

(3) A trust that, in whole or part, resides in this state. If 70733
only part of a trust resides in this state, the trust is a 70734

resident only with respect to that part. 70735

For the purposes of division (I)(3) of this section: 70736

(a) A trust resides in this state for the trust's current 70737
taxable year to the extent, as described in division (I)(3)(d) of 70738
this section, that the trust consists directly or indirectly, in 70739
whole or in part, of assets, net of any related liabilities, that 70740
were transferred, or caused to be transferred, directly or 70741
indirectly, to the trust by any of the following: 70742

(i) A person, a court, or a governmental entity or 70743
instrumentality on account of the death of a decedent, but only if 70744
the trust is described in division (I)(3)(e)(i) or (ii) of this 70745
section; 70746

(ii) A person who was domiciled in this state for the 70747
purposes of this chapter when the person directly or indirectly 70748
transferred assets to an irrevocable trust, but only if at least 70749
one of the trust's qualifying beneficiaries is domiciled in this 70750
state for the purposes of this chapter during all or some portion 70751
of the trust's current taxable year; 70752

(iii) A person who was domiciled in this state for the 70753
purposes of this chapter when the trust document or instrument or 70754
part of the trust document or instrument became irrevocable, but 70755
only if at least one of the trust's qualifying beneficiaries is a 70756
resident domiciled in this state for the purposes of this chapter 70757
during all or some portion of the trust's current taxable year. If 70758
a trust document or instrument became irrevocable upon the death 70759
of a person who at the time of death was domiciled in this state 70760
for purposes of this chapter, that person is a person described in 70761
division (I)(3)(a)(iii) of this section. 70762

(b) A trust is irrevocable to the extent that the transferor 70763
is not considered to be the owner of the net assets of the trust 70764
under sections 671 to 678 of the Internal Revenue Code. 70765

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related

liabilities, from sources enumerated in division (I)(3)(a) of this 70798
section. The denominator of the revised qualifying ratio is the 70799
fair market value of all the trust's assets immediately after the 70800
subsequent transfer, net of any related liabilities. 70801

(iii) Whether a transfer to the trust is by or from any of 70802
the sources enumerated in division (I)(3)(a) of this section shall 70803
be ascertained without regard to the domicile of the trust's 70804
beneficiaries. 70805

(e) For the purposes of division (I)(3)(a)(i) of this 70806
section: 70807

(i) A trust is described in division (I)(3)(e)(i) of this 70808
section if the trust is a testamentary trust and the testator of 70809
that testamentary trust was domiciled in this state at the time of 70810
the testator's death for purposes of the taxes levied under 70811
Chapter 5731. of the Revised Code. 70812

(ii) A trust is described in division (I)(3)(e)(ii) of this 70813
section if the transfer is a qualifying transfer described in any 70814
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 70815
irrevocable inter vivos trust, and at least one of the trust's 70816
qualifying beneficiaries is domiciled in this state for purposes 70817
of this chapter during all or some portion of the trust's current 70818
taxable year. 70819

(f) For the purposes of division (I)(3)(e)(ii) of this 70820
section, a "qualifying transfer" is a transfer of assets, net of 70821
any related liabilities, directly or indirectly to a trust, if the 70822
transfer is described in any of the following: 70823

(i) The transfer is made to a trust, created by the decedent 70824
before the decedent's death and while the decedent was domiciled 70825
in this state for the purposes of this chapter, and, prior to the 70826
death of the decedent, the trust became irrevocable while the 70827
decedent was domiciled in this state for the purposes of this 70828

chapter. 70829

(ii) The transfer is made to a trust to which the decedent, 70830
prior to the decedent's death, had directly or indirectly 70831
transferred assets, net of any related liabilities, while the 70832
decedent was domiciled in this state for the purposes of this 70833
chapter, and prior to the death of the decedent the trust became 70834
irrevocable while the decedent was domiciled in this state for the 70835
purposes of this chapter. 70836

(iii) The transfer is made on account of a contractual 70837
relationship existing directly or indirectly between the 70838
transferor and either the decedent or the estate of the decedent 70839
at any time prior to the date of the decedent's death, and the 70840
decedent was domiciled in this state at the time of death for 70841
purposes of the taxes levied under Chapter 5731. of the Revised 70842
Code. 70843

(iv) The transfer is made to a trust on account of a 70844
contractual relationship existing directly or indirectly between 70845
the transferor and another person who at the time of the 70846
decedent's death was domiciled in this state for purposes of this 70847
chapter. 70848

(v) The transfer is made to a trust on account of the will of 70849
a testator who was domiciled in this state at the time of the 70850
testator's death for purposes of the taxes levied under Chapter 70851
5731. of the Revised Code. 70852

(vi) The transfer is made to a trust created by or caused to 70853
be created by a court, and the trust was directly or indirectly 70854
created in connection with or as a result of the death of an 70855
individual who, for purposes of the taxes levied under Chapter 70856
5731. of the Revised Code, was domiciled in this state at the time 70857
of the individual's death. 70858

(g) The tax commissioner may adopt rules to ascertain the 70859

part of a trust residing in this state. 70860

(J) "Nonresident" means an individual or estate that is not a 70861
resident. An individual who is a resident for only part of a 70862
taxable year is a nonresident for the remainder of that taxable 70863
year. 70864

(K) "Pass-through entity" has the same meaning as in section 70865
5733.04 of the Revised Code. 70866

(L) "Return" means the notifications and reports required to 70867
be filed pursuant to this chapter for the purpose of reporting the 70868
tax due and includes declarations of estimated tax when so 70869
required. 70870

(M) "Taxable year" means the calendar year or the taxpayer's 70871
fiscal year ending during the calendar year, or fractional part 70872
thereof, upon which the adjusted gross income is calculated 70873
pursuant to this chapter. 70874

(N) "Taxpayer" means any person subject to the tax imposed by 70875
section 5747.02 of the Revised Code or any pass-through entity 70876
that makes the election under division (D) of section 5747.08 of 70877
the Revised Code. 70878

(O) "Dependents" means dependents as defined in the Internal 70879
Revenue Code and as claimed in the taxpayer's federal income tax 70880
return for the taxable year or which the taxpayer would have been 70881
permitted to claim had the taxpayer filed a federal income tax 70882
return. 70883

(P) "Principal county of employment" means, in the case of a 70884
nonresident, the county within the state in which a taxpayer 70885
performs services for an employer or, if those services are 70886
performed in more than one county, the county in which the major 70887
portion of the services are performed. 70888

(Q) As used in sections 5747.50 to 5747.55 of the Revised 70889

Code: 70890

(1) "Subdivision" means any county, municipal corporation,
park district, or township. 70891
70892

(2) "Essential local government purposes" includes all 70893
functions that any subdivision is required by general law to 70894
exercise, including like functions that are exercised under a 70895
charter adopted pursuant to the Ohio Constitution. 70896

(R) "Overpayment" means any amount already paid that exceeds 70897
the figure determined to be the correct amount of the tax. 70898

(S) "Taxable income" or "Ohio taxable income" applies only to 70899
estates and trusts, and means federal taxable income, as defined 70900
and used in the Internal Revenue Code, adjusted as follows: 70901

(1) Add interest or dividends, net of ordinary, necessary, 70902
and reasonable expenses not deducted in computing federal taxable 70903
income, on obligations or securities of any state or of any 70904
political subdivision or authority of any state, other than this 70905
state and its subdivisions and authorities, but only to the extent 70906
that such net amount is not otherwise includible in Ohio taxable 70907
income and is described in either division (S)(1)(a) or (b) of 70908
this section: 70909

(a) The net amount is not attributable to the S portion of an 70910
electing small business trust and has not been distributed to 70911
beneficiaries for the taxable year; 70912

(b) The net amount is attributable to the S portion of an 70913
electing small business trust for the taxable year. 70914

(2) Add interest or dividends, net of ordinary, necessary, 70915
and reasonable expenses not deducted in computing federal taxable 70916
income, on obligations of any authority, commission, 70917
instrumentality, territory, or possession of the United States to 70918
the extent that the interest or dividends are exempt from federal 70919

income taxes but not from state income taxes, but only to the 70920
extent that such net amount is not otherwise includible in Ohio 70921
taxable income and is described in either division (S)(1)(a) or 70922
(b) of this section; 70923

(3) Add the amount of personal exemption allowed to the 70924
estate pursuant to section 642(b) of the Internal Revenue Code; 70925

(4) Deduct interest or dividends, net of related expenses 70926
deducted in computing federal taxable income, on obligations of 70927
the United States and its territories and possessions or of any 70928
authority, commission, or instrumentality of the United States to 70929
the extent that the interest or dividends are exempt from state 70930
taxes under the laws of the United States, but only to the extent 70931
that such amount is included in federal taxable income and is 70932
described in either division (S)(1)(a) or (b) of this section; 70933

(5) Deduct the amount of wages and salaries, if any, not 70934
otherwise allowable as a deduction but that would have been 70935
allowable as a deduction in computing federal taxable income for 70936
the taxable year, had the targeted jobs credit allowed under 70937
sections 38, 51, and 52 of the Internal Revenue Code not been in 70938
effect, but only to the extent such amount relates either to 70939
income included in federal taxable income for the taxable year or 70940
to income of the S portion of an electing small business trust for 70941
the taxable year; 70942

(6) Deduct any interest or interest equivalent, net of 70943
related expenses deducted in computing federal taxable income, on 70944
public obligations and purchase obligations, but only to the 70945
extent that such net amount relates either to income included in 70946
federal taxable income for the taxable year or to income of the S 70947
portion of an electing small business trust for the taxable year; 70948

(7) Add any loss or deduct any gain resulting from sale, 70949
exchange, or other disposition of public obligations to the extent 70950

that such loss has been deducted or such gain has been included in 70951
computing either federal taxable income or income of the S portion 70952
of an electing small business trust for the taxable year; 70953

(8) Except in the case of the final return of an estate, add 70954
any amount deducted by the taxpayer on both its Ohio estate tax 70955
return pursuant to section 5731.14 of the Revised Code, and on its 70956
federal income tax return in determining federal taxable income; 70957

(9)(a) Deduct any amount included in federal taxable income 70958
solely because the amount represents a reimbursement or refund of 70959
expenses that in a previous year the decedent had deducted as an 70960
itemized deduction pursuant to section 63 of the Internal Revenue 70961
Code and applicable treasury regulations. The deduction otherwise 70962
allowed under division (S)(9)(a) of this section shall be reduced 70963
to the extent the reimbursement is attributable to an amount the 70964
taxpayer or decedent deducted under this section in any taxable 70965
year. 70966

(b) Add any amount not otherwise included in Ohio taxable 70967
income for any taxable year to the extent that the amount is 70968
attributable to the recovery during the taxable year of any amount 70969
deducted or excluded in computing federal or Ohio taxable income 70970
in any taxable year, but only to the extent such amount has not 70971
been distributed to beneficiaries for the taxable year. 70972

(10) Deduct any portion of the deduction described in section 70973
1341(a)(2) of the Internal Revenue Code, for repaying previously 70974
reported income received under a claim of right, that meets both 70975
of the following requirements: 70976

(a) It is allowable for repayment of an item that was 70977
included in the taxpayer's taxable income or the decedent's 70978
adjusted gross income for a prior taxable year and did not qualify 70979
for a credit under division (A) or (B) of section 5747.05 of the 70980
Revised Code for that year. 70981

(b) It does not otherwise reduce the taxpayer's taxable
income or the decedent's adjusted gross income for the current or
any other taxable year.

(11) Add any amount claimed as a credit under section
5747.059 ~~or 5747.65~~ of the Revised Code to the extent that the
amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation
of the taxpayer's federal taxable income as required to be
reported for the taxpayer's taxable year under the Internal
Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's
federal taxable income as required to be reported for any of the
taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in
computing federal taxable income, that a trust is required to
report as farm income on its federal income tax return, but only
if the assets of the trust include at least ten acres of land
satisfying the definition of "land devoted exclusively to
agricultural use" under section 5713.30 of the Revised Code,
regardless of whether the land is valued for tax purposes as such
land under sections 5713.30 to 5713.38 of the Revised Code. If the
trust is a pass-through entity investor, section 5747.231 of the
Revised Code applies in ascertaining if the trust is eligible to
claim the deduction provided by division (S)(12) of this section
in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an
electing small business trust, the deduction provided by division
(S)(12) of this section is allowed only to the extent that the
trust has not distributed such farm income. Division (S)(12) of
this section applies only to taxable years of a trust beginning in
2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or

state institution of higher education as defined in section 71043
3345.011 of the Revised Code, or a private, nonprofit college, 71044
university, or other post-secondary institution located in this 71045
state that possesses a certificate of authorization issued by the 71046
chancellor of higher education pursuant to Chapter 1713. of the 71047
Revised Code or a certificate of registration issued by the state 71048
board of career colleges and schools under Chapter 3332. of the 71049
Revised Code. 71050

(2) "Qualified tuition and fees" means tuition and fees 71051
imposed by an eligible institution as a condition of enrollment or 71052
attendance, not exceeding two thousand five hundred dollars in 71053
each of the individual's first two years of post-secondary 71054
education. If the individual is a part-time student, "qualified 71055
tuition and fees" includes tuition and fees paid for the academic 71056
equivalent of the first two years of post-secondary education 71057
during a maximum of five taxable years, not exceeding a total of 71058
five thousand dollars. "Qualified tuition and fees" does not 71059
include: 71060

(a) Expenses for any course or activity involving sports, 71061
games, or hobbies unless the course or activity is part of the 71062
individual's degree or diploma program; 71063

(b) The cost of books, room and board, student activity fees, 71064
athletic fees, insurance expenses, or other expenses unrelated to 71065
the individual's academic course of instruction; 71066

(c) Tuition, fees, or other expenses paid or reimbursed 71067
through an employer, scholarship, grant in aid, or other 71068
educational benefit program. 71069

(BB)(1) "Modified business income" means the business income 71070
included in a trust's Ohio taxable income after such taxable 71071
income is first reduced by the qualifying trust amount, if any. 71072

(2) "Qualifying trust amount" of a trust means capital gains 71073

and losses from the sale, exchange, or other disposition of equity 71074
or ownership interests in, or debt obligations of, a qualifying 71075
investee to the extent included in the trust's Ohio taxable 71076
income, but only if the following requirements are satisfied: 71077

(a) The book value of the qualifying investee's physical 71078
assets in this state and everywhere, as of the last day of the 71079
qualifying investee's fiscal or calendar year ending immediately 71080
prior to the date on which the trust recognizes the gain or loss, 71081
is available to the trust. 71082

(b) The requirements of section 5747.011 of the Revised Code 71083
are satisfied for the trust's taxable year in which the trust 71084
recognizes the gain or loss. 71085

Any gain or loss that is not a qualifying trust amount is 71086
modified business income, qualifying investment income, or 71087
modified nonbusiness income, as the case may be. 71088

(3) "Modified nonbusiness income" means a trust's Ohio 71089
taxable income other than modified business income, other than the 71090
qualifying trust amount, and other than qualifying investment 71091
income, as defined in section 5747.012 of the Revised Code, to the 71092
extent such qualifying investment income is not otherwise part of 71093
modified business income. 71094

(4) "Modified Ohio taxable income" applies only to trusts, 71095
and means the sum of the amounts described in divisions (BB)(4)(a) 71096
to (c) of this section: 71097

(a) The fraction, calculated under section 5747.013, and 71098
applying section 5747.231 of the Revised Code, multiplied by the 71099
sum of the following amounts: 71100

(i) The trust's modified business income; 71101

(ii) The trust's qualifying investment income, as defined in 71102
section 5747.012 of the Revised Code, but only to the extent the 71103

qualifying investment income does not otherwise constitute 71104
modified business income and does not otherwise constitute a 71105
qualifying trust amount. 71106

(b) The qualifying trust amount multiplied by a fraction, the 71107
numerator of which is the sum of the book value of the qualifying 71108
investee's physical assets in this state on the last day of the 71109
qualifying investee's fiscal or calendar year ending immediately 71110
prior to the day on which the trust recognizes the qualifying 71111
trust amount, and the denominator of which is the sum of the book 71112
value of the qualifying investee's total physical assets 71113
everywhere on the last day of the qualifying investee's fiscal or 71114
calendar year ending immediately prior to the day on which the 71115
trust recognizes the qualifying trust amount. If, for a taxable 71116
year, the trust recognizes a qualifying trust amount with respect 71117
to more than one qualifying investee, the amount described in 71118
division (BB)(4)(b) of this section shall equal the sum of the 71119
products so computed for each such qualifying investee. 71120

(c)(i) With respect to a trust or portion of a trust that is 71121
a resident as ascertained in accordance with division (I)(3)(d) of 71122
this section, its modified nonbusiness income. 71123

(ii) With respect to a trust or portion of a trust that is 71124
not a resident as ascertained in accordance with division 71125
(I)(3)(d) of this section, the amount of its modified nonbusiness 71126
income satisfying the descriptions in divisions (B)(2) to (5) of 71127
section 5747.20 of the Revised Code, except as otherwise provided 71128
in division (BB)(4)(c)(ii) of this section. With respect to a 71129
trust or portion of a trust that is not a resident as ascertained 71130
in accordance with division (I)(3)(d) of this section, the trust's 71131
portion of modified nonbusiness income recognized from the sale, 71132
exchange, or other disposition of a debt interest in or equity 71133
interest in a section 5747.212 entity, as defined in section 71134
5747.212 of the Revised Code, without regard to division (A) of 71135

that section, shall not be allocated to this state in accordance 71136
with section 5747.20 of the Revised Code but shall be apportioned 71137
to this state in accordance with division (B) of section 5747.212 71138
of the Revised Code without regard to division (A) of that 71139
section. 71140

If the allocation and apportionment of a trust's income under 71141
divisions (BB)(4)(a) and (c) of this section do not fairly 71142
represent the modified Ohio taxable income of the trust in this 71143
state, the alternative methods described in division (C) of 71144
section 5747.21 of the Revised Code may be applied in the manner 71145
and to the same extent provided in that section. 71146

(5)(a) Except as set forth in division (BB)(5)(b) of this 71147
section, "qualifying investee" means a person in which a trust has 71148
an equity or ownership interest, or a person or unit of government 71149
the debt obligations of either of which are owned by a trust. For 71150
the purposes of division (BB)(2)(a) of this section and for the 71151
purpose of computing the fraction described in division (BB)(4)(b) 71152
of this section, all of the following apply: 71153

(i) If the qualifying investee is a member of a qualifying 71154
controlled group on the last day of the qualifying investee's 71155
fiscal or calendar year ending immediately prior to the date on 71156
which the trust recognizes the gain or loss, then "qualifying 71157
investee" includes all persons in the qualifying controlled group 71158
on such last day. 71159

(ii) If the qualifying investee, or if the qualifying 71160
investee and any members of the qualifying controlled group of 71161
which the qualifying investee is a member on the last day of the 71162
qualifying investee's fiscal or calendar year ending immediately 71163
prior to the date on which the trust recognizes the gain or loss, 71164
separately or cumulatively own, directly or indirectly, on the 71165
last day of the qualifying investee's fiscal or calendar year 71166
ending immediately prior to the date on which the trust recognizes 71167

the qualifying trust amount, more than fifty per cent of the 71168
equity of a pass-through entity, then the qualifying investee and 71169
the other members are deemed to own the proportionate share of the 71170
pass-through entity's physical assets which the pass-through 71171
entity directly or indirectly owns on the last day of the 71172
pass-through entity's calendar or fiscal year ending within or 71173
with the last day of the qualifying investee's fiscal or calendar 71174
year ending immediately prior to the date on which the trust 71175
recognizes the qualifying trust amount. 71176

(iii) For the purposes of division (BB)(5)(a)(iii) of this 71177
section, "upper level pass-through entity" means a pass-through 71178
entity directly or indirectly owning any equity of another 71179
pass-through entity, and "lower level pass-through entity" means 71180
that other pass-through entity. 71181

An upper level pass-through entity, whether or not it is also 71182
a qualifying investee, is deemed to own, on the last day of the 71183
upper level pass-through entity's calendar or fiscal year, the 71184
proportionate share of the lower level pass-through entity's 71185
physical assets that the lower level pass-through entity directly 71186
or indirectly owns on the last day of the lower level pass-through 71187
entity's calendar or fiscal year ending within or with the last 71188
day of the upper level pass-through entity's fiscal or calendar 71189
year. If the upper level pass-through entity directly and 71190
indirectly owns less than fifty per cent of the equity of the 71191
lower level pass-through entity on each day of the upper level 71192
pass-through entity's calendar or fiscal year in which or with 71193
which ends the calendar or fiscal year of the lower level 71194
pass-through entity and if, based upon clear and convincing 71195
evidence, complete information about the location and cost of the 71196
physical assets of the lower pass-through entity is not available 71197
to the upper level pass-through entity, then solely for purposes 71198
of ascertaining if a gain or loss constitutes a qualifying trust 71199

amount, the upper level pass-through entity shall be deemed as 71200
owning no equity of the lower level pass-through entity for each 71201
day during the upper level pass-through entity's calendar or 71202
fiscal year in which or with which ends the lower level 71203
pass-through entity's calendar or fiscal year. Nothing in division 71204
(BB)(5)(a)(iii) of this section shall be construed to provide for 71205
any deduction or exclusion in computing any trust's Ohio taxable 71206
income. 71207

(b) With respect to a trust that is not a resident for the 71208
taxable year and with respect to a part of a trust that is not a 71209
resident for the taxable year, "qualifying investee" for that 71210
taxable year does not include a C corporation if both of the 71211
following apply: 71212

(i) During the taxable year the trust or part of the trust 71213
recognizes a gain or loss from the sale, exchange, or other 71214
disposition of equity or ownership interests in, or debt 71215
obligations of, the C corporation. 71216

(ii) Such gain or loss constitutes nonbusiness income. 71217

(6) "Available" means information is such that a person is 71218
able to learn of the information by the due date plus extensions, 71219
if any, for filing the return for the taxable year in which the 71220
trust recognizes the gain or loss. 71221

(CC) "Qualifying controlled group" has the same meaning as in 71222
section 5733.04 of the Revised Code. 71223

(DD) "Related member" has the same meaning as in section 71224
5733.042 of the Revised Code. 71225

(EE)(1) For the purposes of division (EE) of this section: 71226

(a) "Qualifying person" means any person other than a 71227
qualifying corporation. 71228

(b) "Qualifying corporation" means any person classified for 71229

federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

~~(HH) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(31) of this section for the taxable year.~~

~~(II) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.~~

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under division (A)(31) of this section for the taxable year.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide

relief to property taxpayers, to provide revenue for the general 71291
revenue fund, and to meet the expenses of administering the tax 71292
levied by this chapter, there is hereby levied on every 71293
individual, trust, and estate residing in or earning or receiving 71294
income in this state, on every individual, trust, and estate 71295
earning or receiving lottery winnings, prizes, or awards pursuant 71296
to Chapter 3770. of the Revised Code, on every individual, trust, 71297
and estate earning or receiving winnings on casino gaming, and on 71298
every individual, trust, and estate otherwise having nexus with or 71299
in this state under the Constitution of the United States, an 71300
annual tax measured as prescribed in divisions (A)(1) to ~~(4)~~(3) of 71301
this section. 71302

(1) In the case of trusts, the tax imposed by this section 71303
shall be measured by modified Ohio taxable income under division 71304
(D) of this section and levied in the same amount as the tax is 71305
imposed on estates as prescribed in division (A)(2) of this 71306
section. 71307

(2) In the case of estates, the tax imposed by this section 71308
shall be measured by Ohio taxable income ~~and~~. The tax shall be 71309
levied at the rate of seven thousand four hundred twenty five 71310
ten thousandths per cent for following rates on the first ~~ten~~ 71311
twenty-one thousand five seven hundred fifty dollars of such 71312
income ~~and, for:~~ for taxable years beginning in 2019, one and four 71313
hundred twenty-seven thousandths per cent, and for taxable years 71314
beginning in or after 2020, one and three hundred sixty-eight 71315
thousandths per cent. On such income in excess of that amount, the 71316
tax shall be levied at the same rates prescribed in division 71317
(A)(3) of this section for individuals. 71318

(3) In the case of individuals, ~~for taxable years beginning~~ 71319
~~in 2017 or thereafter,~~ the tax imposed by this section ~~on income~~ 71320
~~other than taxable business income~~ shall be measured by Ohio 71321

adjusted gross income, ~~less taxable business income and~~ less an 71322
exemption for the taxpayer, the taxpayer's spouse, and each 71323
dependent as provided in section 5747.025 of the Revised Code. If 71324
the balance thus obtained is equal to or less than ~~ten~~ twenty-one 71325
thousand ~~five~~ seven hundred fifty dollars, no tax shall be imposed 71326
on that balance. If the balance thus obtained is greater than ~~ten~~ 71327
twenty-one thousand ~~five~~ seven hundred fifty dollars, the tax is 71328
hereby levied as follows: 71329

(a) For taxable years beginning in 2019: 71330

OHIO ADJUSTED GROSS INCOME LESS 71331

TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS)

OR 71332

MODIFIED OHIO 71333

TAXABLE INCOME (TRUSTS) 71334

OR 71335

OHIO TAXABLE INCOME (ESTATES) TAX 71336

More than \$21,750 but not more \$310.47 plus 2.850% of the 71337
than \$43,450 amount in excess of \$21,750

More than \$43,450 but not more \$928.92 plus 3.326% of the 71338
than \$86,900 amount in excess of \$43,450

More than \$86,900 but not more \$2,374.07 plus 3.802% of the 71339
than \$108,700 amount in excess of \$86,900

More than \$108,700 but not more \$3,202.91 plus 4.413% of the 71340
than \$217,400 amount in excess of \$108,700

More than \$217,400 \$7,999.84 plus 4.797% of the 71341
amount in excess of \$217,400

(b) For taxable years beginning in or after 2020: 71342

OHIO ADJUSTED GROSS INCOME LESS 71343

~~TAXABLE BUSINESS INCOME AND~~
~~EXEMPTIONS (INDIVIDUALS)~~

OR 71344

MODIFIED OHIO		71345
TAXABLE INCOME (TRUSTS)		71346
OR		71347
OHIO TAXABLE INCOME (ESTATES)	TAX	71348
		71349
		71350
More than \$10,500 but not more than \$15,800	\$77.96 plus 1.980% of the amount in excess of \$10,500	71351
More than \$15,800 but not more than \$21,100	\$182.90 plus 2.476% of the amount in excess of \$15,800	71352
More than \$21,100 <u>21,750</u> but not more than \$42,100 <u>43,450</u>	\$314.13 <u>297.54</u> plus 2.969 <u>2.731</u> % of the amount in excess of \$21,100 <u>21,750</u>	71353
More than \$42,100 <u>43,450</u> but not more than \$84,200 <u>86,900</u>	\$937.62 <u>890.17</u> plus 3.465 <u>3.188</u> % of the amount in excess of \$42,100 <u>43,450</u>	71354
More than \$84,200 <u>86,900</u> but not more than \$105,300 <u>108,700</u>	\$2,396.39 <u>2,275.36</u> plus 3.960 <u>3.643</u> % of the amount in excess of \$84,200 <u>86,900</u>	71355
More than \$105,300 <u>108,700</u> but not more than \$210,600 <u>217,400</u>	\$3,231.95 <u>3,069.53</u> plus 4.597 <u>4.229</u> % of the amount in excess of \$105,300 <u>108,700</u>	71356
More than \$210,600 <u>217,400</u>	\$8,072.59 <u>7,666.45</u> plus 4.997 <u>4.597</u> % of the amount in excess of \$210,600 <u>217,400</u>	71357
(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.		71358
		71359
		71360
		71361
		71362
		71363
(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross		71364
		71365

~~income less taxable business income, the excess shall be deducted 71366
from taxable business income before computing the tax under 71367
division (A)(4)(a) of this section. 71368~~

(5) Except as otherwise provided in this division, in August 71369
of each year, the tax commissioner shall make a new adjustment to 71370
the income amounts prescribed in divisions (A)(2) and (3) of this 71371
section by multiplying the percentage increase in the gross 71372
domestic product deflator computed that year under section 71373
5747.025 of the Revised Code by each of the income amounts 71374
resulting from the adjustment under this division in the preceding 71375
year, adding the resulting product to the corresponding income 71376
amount resulting from the adjustment in the preceding year, and 71377
rounding the resulting sum to the nearest multiple of fifty 71378
dollars. The tax commissioner also shall recompute each of the tax 71379
dollar amounts to the extent necessary to reflect the new 71380
adjustment of the income amounts. To recompute the tax dollar 71381
amount corresponding to the lowest tax rate in division (A)(3) of 71382
this section, the commissioner shall multiply the tax rate 71383
prescribed in division (A)(2) of this section by the income amount 71384
specified in that division and as adjusted according to this 71385
paragraph. The rates of taxation shall not be adjusted. 71386

The adjusted amounts apply to taxable years beginning in the 71387
calendar year in which the adjustments are made and to taxable 71388
years beginning in each ensuing calendar year until a calendar 71389
year in which a new adjustment is made pursuant to this division. 71390
The tax commissioner shall not make a new adjustment in any year 71391
in which the amount resulting from the adjustment would be less 71392
than the amount resulting from the adjustment in the preceding 71393
year. 71394

(B) If the director of budget and management makes a 71395
certification to the tax commissioner under division (B) of 71396
section 131.44 of the Revised Code, the amount of tax as 71397

determined under divisions (A)(1) to (3) of this section shall be 71398
reduced by the percentage prescribed in that certification for 71399
taxable years beginning in the calendar year in which that 71400
certification is made. 71401

(C) The levy of this tax on income does not prevent a 71402
municipal corporation, a joint economic development zone created 71403
under section 715.691, or a joint economic development district 71404
created under section 715.70, 715.71, or 715.72 of the Revised 71405
Code from levying a tax on income. 71406

(D) This division applies only to taxable years of a trust 71407
beginning in 2002 or thereafter. 71408

(1) The tax imposed by this section on a trust shall be 71409
computed by multiplying the Ohio modified taxable income of the 71410
trust by the rates prescribed by division (A) of this section. 71411

(2) A resident trust may claim a credit against the tax 71412
computed under division (D) of this section equal to the lesser of 71413
(a) the tax paid to another state or the District of Columbia on 71414
the resident trust's modified nonbusiness income, other than the 71415
portion of the resident trust's nonbusiness income that is 71416
qualifying investment income as defined in section 5747.012 of the 71417
Revised Code, or (b) the effective tax rate, based on modified 71418
Ohio taxable income, multiplied by the resident trust's modified 71419
nonbusiness income other than the portion of the resident trust's 71420
nonbusiness income that is qualifying investment income. The 71421
credit applies before any other applicable credits. 71422

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 71423
~~(A)(18) to (20) of section 5747.98~~ authorized by the following 71424
sections of the Revised Code do not apply to a trust subject to 71425
division (D) of this section: section 5747.022, 5747.05, 5747.054, 71426
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 71427
Code. Any ~~credits enumerated in other divisions of credit~~ 71428

~~authorized against the tax imposed by this section 5747.98 of the Revised Code apply~~ applies to a trust subject to division (D) of this section that otherwise qualifies for such a credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(F) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less ~~taxable business income and~~ exemptions, of ~~ten~~ twenty-one thousand ~~five~~ seven hundred fifty dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

Sec. 5747.022. An individual subject to the tax imposed by section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted gross income, less applicable exemptions under section 5747.025 of the Revised Code, for the taxable year as shown on an individual or joint annual return is less than thirty thousand dollars may

claim a credit equal to twenty dollars times the number of 71460
exemptions allowed for the taxpayer, the taxpayer's spouse, and 71461
each dependent under section 5747.02 of the Revised Code. The 71462
credit shall be claimed in the order required under section 71463
5747.98 of the Revised Code. The credit shall not be considered in 71464
determining the taxes required to be withheld under section 71465
5747.06 of the Revised Code or the estimated taxes required to be 71466
paid under section 5747.09 of the Revised Code. In the case of an 71467
individual with respect to whom an exemption under section 5747.02 71468
of the Revised Code is allowable to another taxpayer for a taxable 71469
year beginning in the calendar year in which the individual's 71470
taxable year begins, the "number of exemptions allowed" for 71471
purposes of calculating the credit allowed under this section to 71472
such individual for the individual's taxable year shall not 71473
include an exemption for the individual. 71474

Sec. 5747.025. (A) For taxable years beginning in 2014 or 71475
2015, the personal exemption for the taxpayer, the taxpayer's 71476
spouse, and each dependent shall be one of the following amounts: 71477

(1) Two thousand two hundred dollars if the taxpayer's ~~Ohio~~ 71478
modified adjusted gross income for the taxable year as shown on an 71479
individual or joint annual return is less than or equal to forty 71480
thousand dollars; 71481

(2) One thousand nine hundred fifty dollars if the taxpayer's 71482
~~Ohio~~ modified adjusted gross income for the taxable year as shown 71483
on an individual or joint annual return is greater than forty 71484
thousand dollars but less than or equal to eighty thousand 71485
dollars; 71486

(3) One thousand seven hundred dollars if the taxpayer's ~~Ohio~~ 71487
modified adjusted gross income for the taxable year as shown on an 71488
individual or joint annual return is greater than eighty thousand 71489
dollars. 71490

(B) For taxable years beginning in 2016 and thereafter, the personal exemption amounts prescribed in division (A) of this section shall be adjusted each year in the manner prescribed in division (C) of this section. In the case of an individual with respect to whom an exemption under section 5747.02 of the Revised Code is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(C) Except as otherwise provided in this division, in August of each year, the tax commissioner shall determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding year, and make a new adjustment to the personal exemption amount for taxable years beginning in the current calendar year by multiplying that amount by the percentage increase in the gross domestic product deflator for that period; adding the resulting product to the personal exemption amount for taxable years beginning in the preceding calendar year; and rounding the resulting sum upward to the nearest multiple of fifty dollars. The adjusted amount applies to taxable years beginning in the calendar year in which the adjustment is made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The commissioner shall not make a new adjustment in any calendar year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding calendar year.

Sec. 5747.03. (A)(1) All money collected under this chapter arising from the taxes imposed by section 5747.02 or 5747.41 of the Revised Code shall be credited to the general revenue fund-

~~except that the treasurer of state shall, at the beginning of each~~ 71523
~~calendar quarter, credit to the Ohio political party fund,~~ 71524
~~pursuant to section 3517.16 of the Revised Code, an amount equal~~ 71525
~~to the total dollar value realized from the taxpayer exercise of~~ 71526
~~the income tax checkoff option on tax forms processed during the~~ 71527
~~preceding calendar quarter.~~ 71528

~~(B)(1) Following the crediting of moneys pursuant to division~~ 71529
~~(A) of this section, the remainder deposited in the general~~ 71530
~~revenue fund shall be and distributed pursuant to division (F) of~~ 71531
section 321.24 and section 323.156 of the Revised Code; to make 71532
subsidy payments to institutions of higher education from 71533
appropriations to the ~~Ohio board of regents~~ department of 71534
education; to support expenditures for programs and services for 71535
the mentally ill, persons with developmental disabilities, and the 71536
elderly; for primary and secondary education; for medical 71537
assistance; and for any other purposes authorized by law, subject 71538
to the limitation that at least fifty per cent of the income tax 71539
collected by the state from the tax imposed by section 5747.02 of 71540
the Revised Code shall be returned pursuant to Section 9 of 71541
Article XII, Ohio Constitution. 71542

(2) To ensure that such constitutional requirement is 71543
satisfied the tax commissioner shall, on or before the thirtieth 71544
day of June of each year, from the best information available to 71545
the tax commissioner, determine and certify for each county to the 71546
director of budget and management the amount of taxes collected 71547
under this chapter from the tax imposed under section 5747.02 of 71548
the Revised Code during the preceding calendar year that are 71549
required to be returned to the county by Section 9 of Article XII, 71550
Ohio Constitution. The director shall provide for payment from the 71551
general revenue fund to the county in the amount, if any, that the 71552
sum of the amount so certified for that county exceeds the sum of 71553
the following: 71554

(a) The sum of the payments from the general revenue fund for the preceding calendar year credited to the county's undivided income tax fund pursuant to division (F) of section 321.24 and section 323.156 of the Revised Code or made directly from the general revenue fund to political subdivisions located in the county;

(b) The sum of the amounts from the general revenue fund distributed in the county during the preceding calendar year for subsidy payments to institutions of higher education from appropriations to the ~~Ohio board of regents~~ department of education; for programs and services for mentally ill persons, persons with developmental disabilities, and elderly persons; for primary and secondary education; and for medical assistance.

(c) In the case of payments made by the director under this division in 2007, the total amount distributed to the county during the preceding calendar year from the local government fund and the local government revenue assistance fund, and, in the case of payments made by the director under this division in subsequent calendar years, the amount distributed to the county from the local government fund;

(d) In the case of payments made by the director under this division, the total amount distributed to the county during the preceding calendar year from the public library fund.

Payments under this division shall be credited to the county's undivided income tax fund, except that, notwithstanding section 5705.14 of the Revised Code, such payments may be transferred by the board of county commissioners to the county general fund by resolution adopted with the affirmative vote of two-thirds of the members thereof.

~~(C)~~(B) All payments received in each month from taxes imposed under Chapter 5748. of the Revised Code and any penalties or

interest thereon shall be paid into the school district income tax fund, which is hereby created in the state treasury, except that an amount equal to the following portion of such payments shall be paid into the general school district income tax administrative fund, which is hereby created in the state treasury:

(1) One and three-quarters of one per cent of those received in fiscal year 1996;

(2) One and one-half per cent of those received in fiscal year 1997 and thereafter.

Money in the school district income tax administrative fund shall be used by the tax commissioner to defray costs incurred in administering the school district's income tax, including the cost of providing employers with information regarding the rate of tax imposed by any school district. Any moneys remaining in the fund after such use shall be deposited in the school district income tax fund.

All interest earned on moneys in the school district income tax fund shall be credited to the fund.

~~(D)~~(C)(1)(a) Within thirty days of the end of each calendar quarter ending on the last day of March, June, September, and December, the director of budget and management shall make a payment from the school district income tax fund to each school district for which school district income tax revenue was received during that quarter. The amount of the payment shall equal the balance in the school district's account at the end of that quarter.

(b) After a school district ceases to levy an income tax, the director of budget and management shall adjust the payments under division ~~(D)~~(C)(1)(a) of this section to retain sufficient money in the school district's account to pay refunds. For the calendar quarters ending on the last day of March and December of the

calendar year following the last calendar year the tax is levied, 71617
the director shall make the payments in the amount required under 71618
division ~~(D)~~(C)(1)(a) of this section. For the calendar quarter 71619
ending on the last day of June of the calendar year following the 71620
last calendar year the tax is levied, the director shall make a 71621
payment equal to nine-tenths of the balance in the account at the 71622
end of that quarter. For the calendar quarter ending on the last 71623
day of September of the calendar year following the last calendar 71624
year the tax is levied, the director shall make no payment. For 71625
the second and succeeding calendar years following the last 71626
calendar year the tax is levied, the director shall make one 71627
payment each year, within thirty days of the last day of June, in 71628
an amount equal to the balance in the district's account on the 71629
last day of June. 71630

(2) Moneys paid to a school district under this division 71631
shall be deposited in its school district income tax fund. All 71632
interest earned on moneys in the school district income tax fund 71633
shall be apportioned by the tax commissioner pro rata among the 71634
school districts in the proportions and at the times the districts 71635
are entitled to receive payments under this division. 71636

Sec. 5747.04. All reports, returns, and payments required of 71637
a taxpayer or employer by this chapter, except payments by 71638
electronic funds transfer as required under section 5747.072 of 71639
the Revised Code, shall be filed with the tax commissioner. 71640

Upon receipt by ~~him~~ the commissioner of any payments under 71641
this chapter arising from a tax imposed under section 5747.02 of 71642
the Revised Code, the commissioner shall estimate and annually 71643
reconcile and determine for any amount paid by or on behalf of any 71644
taxpayer and for any amount shown due or owed to any taxpayer, the 71645
county to which such amount is attributable. The county of 71646
attribution is the county in which the taxpayer was a resident for 71647

one more than half of the number of days of the payroll period 71648
during which any income subject to taxation under this chapter was 71649
earned or, in the case of a nonresident taxpayer, ~~his~~ the 71650
nonresident taxpayer's principal county of employment. If there is 71651
no payroll period to which such income can be attributed, the 71652
county of attribution is the county in which the taxpayer resided 71653
at the time ~~he~~ the taxpayer received such income. 71654

The commissioner shall adopt such rules, including a 71655
requirement that each taxpayer indicate ~~his~~ the taxpayer's school 71656
district of residence on ~~his~~ the taxpayer's tax return, as are 71657
reasonably necessary to insure the efficient administration of 71658
this section and the distribution required by division ~~(B)~~(A) of 71659
section 5747.03 of the Revised Code. 71660

Sec. 5747.05. As used in this section, "income tax" includes 71661
both a tax on net income and a tax measured by net income. 71662

The following credits shall be allowed against the aggregate 71663
income tax liability imposed by section 5747.02 of the Revised 71664
Code on individuals and estates: 71665

(A)(1) The amount of tax otherwise due under section 5747.02 71666
of the Revised Code on such portion of the combined adjusted gross 71667
income and business income of any nonresident taxpayer that is not 71668
allocable or apportionable to this state pursuant to sections 71669
5747.20 to 5747.23 of the Revised Code. The credit provided under 71670
this division shall not exceed the total tax due under section 71671
5747.02 of the Revised Code. 71672

(2) The tax commissioner may enter into an agreement with the 71673
taxing authorities of any state or of the District of Columbia 71674
that imposes an income tax to provide that compensation paid in 71675
this state to a nonresident taxpayer shall not be subject to the 71676
tax levied in section 5747.02 of the Revised Code so long as 71677
compensation paid in such other state or in the District of 71678

Columbia to a resident taxpayer shall likewise not be subject to 71679
the income tax of such other state or of the District of Columbia. 71680

(B) The lesser of division (B)(1) or (2) of this section: 71681

(1) The aggregate amount of tax otherwise due under section 71682
5747.02 of the Revised Code on such portion of the combined 71683
adjusted gross income and business income of a resident taxpayer 71684
that in another state or in the District of Columbia is subjected 71685
to an income tax. The credit provided under division (B)(1) of 71686
this section shall not exceed the total tax due under section 71687
5747.02 of the Revised Code. 71688

(2) The amount of income tax liability to another state or 71689
the District of Columbia on the portion of the combined adjusted 71690
gross income and business income of a resident taxpayer that in 71691
another state or in the District of Columbia is subjected to an 71692
income tax. The credit provided under division (B)(2) of this 71693
section shall not exceed the total amount of tax otherwise due 71694
under section 5747.02 of the Revised Code. 71695

(3) If the credit provided under division (B) of this section 71696
is affected by a change in either the portion of the combined 71697
adjusted gross income and business income of a resident taxpayer 71698
subjected to an income tax in another state or the District of 71699
Columbia or the amount of income tax liability that has been paid 71700
to another state or the District of Columbia, the taxpayer shall 71701
report the change to the tax commissioner within sixty days of the 71702
change in such form as the commissioner requires. 71703

(a) In the case of an underpayment, the report shall be 71704
accompanied by payment of any additional tax due as a result of 71705
the reduction in credit together with interest on the additional 71706
tax and is a return subject to assessment under section 5747.13 of 71707
the Revised Code solely for the purpose of assessing any 71708
additional tax due under this division, together with any 71709

applicable penalty and interest. It shall not reopen the 71710
computation of the taxpayer's tax liability under this chapter 71711
from a previously filed return no longer subject to assessment 71712
except to the extent that such liability is affected by an 71713
adjustment to the credit allowed by division (B) of this section. 71714

(b) In the case of an overpayment, an application for refund 71715
may be filed under this division within the sixty-day period 71716
prescribed for filing the report even if it is beyond the period 71717
prescribed in section 5747.11 of the Revised Code if it otherwise 71718
conforms to the requirements of such section. An application filed 71719
under this division shall only claim refund of overpayments 71720
resulting from an adjustment to the credit allowed by division (B) 71721
of this section unless it is also filed within the time prescribed 71722
in section 5747.11 of the Revised Code. It shall not reopen the 71723
computation of the taxpayer's tax liability except to the extent 71724
that such liability is affected by an adjustment to the credit 71725
allowed by division (B) of this section. 71726

(4) No credit shall be allowed under division (B) of this 71727
section: 71728

(a) For income tax paid or accrued to another state or to the 71729
District of Columbia if the taxpayer, when computing federal 71730
adjusted gross income, has directly or indirectly deducted, or was 71731
required to directly or indirectly deduct, the amount of that 71732
income tax; 71733

(b) For compensation that is not subject to the income tax of 71734
another state or the District of Columbia as the result of an 71735
agreement entered into by the tax commissioner under division 71736
(A)(3) of this section; or 71737

(c) For income tax paid or accrued to another state or the 71738
District of Columbia if the taxpayer fails to furnish such proof 71739
as the tax commissioner shall require that such income tax 71740

liability has been paid. 71741

(C) An individual who is a resident for part of a taxable 71742
year and a nonresident for the remainder of the taxable year is 71743
allowed the credits under divisions (A) and (B) of this section in 71744
accordance with rules prescribed by the tax commissioner. In no 71745
event shall the same income be subject to both credits. 71746

(D) The credit allowed under division (A) of this section 71747
shall be calculated based upon the amount of tax due under section 71748
5747.02 of the Revised Code after subtracting any other credits 71749
that precede the credit under that division in the order required 71750
under section 5747.98 of the Revised Code. The credit allowed 71751
under division (B) of this section shall be calculated based upon 71752
the amount of tax due under section 5747.02 of the Revised Code 71753
after subtracting any other credits that precede the credit under 71754
that division in the order required under section 5747.98 of the 71755
Revised Code. 71756

(E)(1) On a joint return filed by a husband and wife, each of 71757
whom had adjusted gross income of at least five hundred dollars, 71758
exclusive of interest, dividends and distributions, royalties, 71759
rent, and capital gains, a credit equal to the lesser of six 71760
hundred fifty dollars or the percentage shown in column B that 71761
corresponds with the taxpayer's modified adjusted gross income, 71762
less exemptions for the taxable year, of the total amount of tax 71763
due after allowing for any other credit that precedes this credit 71764
as required under section 5747.98 of the Revised Code: 71765

A.	B.	
IF THE <u>MODIFIED</u> ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	71767
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	71768
More than \$25,000 but not more	15%	71769
than \$50,000		

More than \$50,000 but not more than \$75,000 10% 71770

More than \$75,000 5% 71771

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 71772
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(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 71774
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Sec. 5747.054. In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers with modified adjusted gross income of less than forty thousand dollars. The amount of the credit shall equal twenty-five per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with modified adjusted gross income of less than twenty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26. 71777
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The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. 71790
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Sec. 5747.055. (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions that are made from or pursuant to a pension, retirement, or profit-sharing plan and that: 71792
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(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income; 71796
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(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income. 71799
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(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule: 71802
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AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR	
\$500 or less	\$ 0	71811 71812 71813
Over \$500 but not more than \$1,500	\$ 25	71814
Over \$1,500 but not more than \$3,000	\$ 50	71815
Over \$3,000 but not more than \$5,000	\$ 80	71816
Over \$5,000 but not more than \$8,000	\$130	71817
Over \$8,000	\$200	71818

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit under this division in lieu of the credit allowed under division (B) of this section. A taxpayer making such an election is not entitled to the credit authorized under this division or division (B) of this section in subsequent taxable years. A taxpayer electing the credit under this division shall receive a credit for the taxable year against the taxpayer's aggregate tax liability 71819
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under section 5747.02 of the Revised Code computed as follows: 71831

(1) Divide the amount of retirement income received during 71832
the taxable year by the taxpayer's expected remaining life on the 71833
last day of the taxable year, as shown by annuity tables issued 71834
under the provisions of the Internal Revenue Code and in effect 71835
for the calendar year that includes the last day of the taxable 71836
year; 71837

(2) Using the quotient thus obtained as the amount of 71838
retirement income received during the taxable year, compute the 71839
credit for the taxable year in accordance with division (B) of 71840
this section; 71841

(3) Multiply the credit thus obtained by the taxpayer's 71842
expected remaining life. The product thus obtained shall be the 71843
credit under this division for the taxable year. 71844

(D) If the credit under division (C) or (E) of this section 71845
exceeds the taxpayer's aggregate tax liability under section 71846
5747.02 of the Revised Code for the taxable year after allowing 71847
for any other credit that precedes that credit in the order 71848
required under section 5747.98 of the Revised Code, the taxpayer 71849
may elect to receive a credit for each subsequent taxable year. 71850
The amount of the credit for each such year shall be computed as 71851
follows: 71852

(1) Determine the amount by which the unused credit elected 71853
under division (C) or (E) of this section exceeded the total tax 71854
due for the taxable year after allowing for any preceding credit 71855
in the required order; 71856

(2) Divide the amount of such excess by one year less than 71857
the taxpayer's expected remaining life on the last day of the 71858
taxable year of the distribution for which the credit was allowed 71859
under division (C) or (E) of this section. The quotient thus 71860
obtained shall be the credit for each subsequent year. 71861

(E) If subsequent to the receipt of a lump-sum distribution 71862
and an election under division (C) of this section an individual 71863
receives another lump-sum distribution within one taxable year, 71864
and the taxpayer's modified adjusted gross income for the taxable 71865
year, less applicable exemptions under section 5747.025 of the 71866
Revised Code, as shown on an individual or joint annual return is 71867
less than one hundred thousand dollars, the taxpayer may elect to 71868
receive a credit for that taxable year. The credit shall equal the 71869
lesser of: 71870

(1) A credit computed in the manner prescribed in division 71871
(C) of this section; 71872

(2) The amount of credit, if any, to which the taxpayer would 71873
otherwise be entitled for the taxable year under division (D) of 71874
this section times the taxpayer's expected remaining life on the 71875
last day of the taxable year. A taxpayer who elects to receive a 71876
credit under this division is not entitled to a credit under this 71877
division or division (B) or (C) of this section for any subsequent 71878
year except as provided in division (D) of this section. 71879

(F) A credit equal to fifty dollars for each return required 71880
to be filed under section 5747.08 of the Revised Code shall be 71881
allowed against a taxpayer's aggregate tax liability under section 71882
5747.02 of the Revised Code for taxpayers sixty-five years of age 71883
or older during the taxable year whose modified adjusted gross 71884
income, less applicable exemptions under section 5747.025 of the 71885
Revised Code, as shown on an individual or joint annual return is 71886
less than one hundred thousand dollars for that taxable year. 71887

(G) A taxpayer sixty-five years of age or older during the 71888
taxable year who has received a lump-sum distribution from a 71889
pension, retirement, or profit-sharing plan in the taxable year, 71890
and whose modified adjusted gross income, less applicable 71891
exemptions under section 5747.025 of the Revised Code, as shown on 71892
an individual or joint annual return is less than one hundred 71893

thousand dollars for that taxable year may elect to receive a 71894
credit under this division in lieu of the credit to which the 71895
taxpayer is entitled under division (F) of this section. A 71896
taxpayer making such an election shall receive a credit for the 71897
taxable year against the taxpayer's aggregate tax liability under 71898
section 5747.02 of the Revised Code equal to fifty dollars times 71899
the taxpayer's expected remaining life as shown by annuity tables 71900
issued under the Internal Revenue Code and in effect for the 71901
calendar year that includes the last day of the taxable year. A 71902
taxpayer making an election under this division is not entitled to 71903
the credit authorized under this division or division (F) of this 71904
section in subsequent taxable years. 71905

(H) The credits allowed by this section shall be claimed in 71906
the order required under section 5747.98 of the Revised Code. The 71907
tax commissioner may require a taxpayer to furnish any information 71908
necessary to support a claim for credit under this section, and no 71909
credit shall be allowed unless such information is provided. 71910

Sec. 5747.06. (A) Except as provided in division (E)(3) of 71911
this section, every employer, including the state and its 71912
political subdivisions, maintaining an office or transacting 71913
business within this state and making payment of any compensation 71914
to an employee who is a taxpayer shall deduct and withhold from 71915
such compensation for each payroll period a tax computed in such 71916
manner as to result, as far as practicable, in withholding from 71917
the employee's compensation during each calendar year an amount 71918
substantially equivalent to the tax reasonably estimated to be due 71919
from the employee under this chapter and Chapter 5748. of the 71920
Revised Code with respect to the amount of such compensation 71921
included in the employee's adjusted gross income during the 71922
calendar year. The employer shall deduct and withhold the tax on 71923
the date that the employer directly, indirectly, or constructively 71924
pays the compensation to, or credits the compensation to the 71925

benefit of, the employee. 71926

The method of determining the amount to be withheld shall be 71927
prescribed by rule of the tax commissioner. ~~Notwithstanding~~ 71928
~~section 5747.02 of the Revised Code, the rule prescribed by the~~ 71929
~~commissioner~~ The rule shall require that taxes are withheld on ~~the~~ 71930
~~first ten thousand dollars of~~ a taxpayer's compensation at rates 71931
sufficient to ensure payment of the appropriate amount of tax 71932
reasonably estimated to be due. If the tax commissioner intends to 71933
adjust the method of determining the amount to be withheld to take 71934
effect within the current fiscal year, the commissioner shall 71935
certify to the director of budget and management, on or before the 71936
thirty-first day of July of that fiscal year, the amount the 71937
commissioner estimates is necessary to offset reductions, if any, 71938
resulting from that adjustment to the general revenue fund, the 71939
local government fund, and the public library fund in that fiscal 71940
year, arranged according to each such fund. 71941

In addition to any other exclusions from withholding 71942
permitted under this section, no tax shall be withheld by an 71943
employer from the compensation of an employee when such 71944
compensation is paid for: 71945

(1) Agricultural labor as defined in division G of section 71946
3121 of Title 26 of the United States Code; 71947

(2) Domestic service in a private home, local college club, 71948
or local chapter of a college fraternity or sorority; 71949

(3) Service performed in any calendar quarter by an employee 71950
unless the cash remuneration paid for such service is three 71951
hundred dollars or more and such service is performed by an 71952
individual who is regularly employed by such employer to perform 71953
such service; 71954

(4) Services performed for a foreign government or an 71955
international organization; 71956

(5) Services performed by an individual under the age of 71957
eighteen in the delivery or distribution of newspapers or shopping 71958
news, not including delivery or distribution to any point for 71959
subsequent delivery or distribution, or when performed by such 71960
individual under the age of eighteen under an arrangement where 71961
newspapers or magazines are to be sold by the individual at a 71962
fixed price, the individual's compensation being based on the 71963
retention of the excess of such price over the amount at which the 71964
newspapers or magazines are charged to the individual; 71965

(6) Services not in the course of the employer's trade or 71966
business to the extent paid in any medium other than cash. 71967

(B) Every employer required to deduct and withhold tax from 71968
the compensation of an employee under this chapter shall furnish 71969
to each employee, with respect to the compensation paid by such 71970
employer to such employee during the calendar year, on or before 71971
the thirty-first day of January of the succeeding year, or, if the 71972
employee's employment is terminated before the close of such 71973
calendar year, within thirty days from the date on which the last 71974
payment of compensation was made, a written statement as 71975
prescribed by the tax commissioner showing the amount of 71976
compensation paid by the employer to the employee, the amount 71977
deducted and withheld as state income tax, any amount deducted and 71978
withheld as school district income tax for each applicable school 71979
district, and any other information as the commissioner 71980
prescribes. 71981

(C) The failure of an employer to withhold tax as required by 71982
this section does not relieve an employee from the liability for 71983
the tax. The failure of an employer to remit the tax as required 71984
by law does not relieve an employee from liability for the tax if 71985
the tax commissioner ascertains that the employee colluded with 71986
the employer with respect to the failure to remit the tax. 71987

(D) If an employer fails to deduct and withhold any tax as 71988

required, and thereafter the tax is paid, the tax so required to 71989
be deducted and withheld shall not be collected from the employer, 71990
but the employer is not relieved from liability for penalties and 71991
interest otherwise applicable in respect to the failure to deduct 71992
and withhold the tax. 71993

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 71994
the Revised Code are deducted and withheld as provided in this 71995
section: 71996

(1) An employer shall request that each employee furnish the 71997
name of the employee's school district of residence; 71998

(2) Each employee shall furnish the employer with sufficient 71999
and correct information to enable the employer to withhold the 72000
taxes imposed under Chapter 5748. of the Revised Code. The 72001
employee shall provide additional or corrected information 72002
whenever information previously provided to the employer becomes 72003
insufficient or incorrect. 72004

(3) If the employer complies with the requirements of 72005
division (E)(1) of this section and if the employee fails to 72006
comply with the requirements of division (E)(2) of this section, 72007
the employer is not required to withhold and pay the taxes imposed 72008
under Chapter 5748. of the Revised Code and is not subject to any 72009
penalties and interest otherwise applicable for failing to deduct 72010
and withhold such taxes. 72011

Sec. 5747.08. An annual return with respect to the tax 72012
imposed by section 5747.02 of the Revised Code and each tax 72013
imposed under Chapter 5748. of the Revised Code shall be made by 72014
every taxpayer for any taxable year for which the taxpayer is 72015
liable for the tax imposed by that section or under that chapter, 72016
unless the total credits allowed under division (E) of section 72017
5747.05 and divisions (F) and (G) of section 5747.055 of the 72018
Revised Code for the year are equal to or exceed the tax imposed 72019

by section 5747.02 of the Revised Code, in which case no return 72020
shall be required unless the taxpayer is liable for a tax imposed 72021
pursuant to Chapter 5748. of the Revised Code. 72022

(A) If an individual is deceased, any return or notice 72023
required of that individual under this chapter shall be made and 72024
filed by that decedent's executor, administrator, or other person 72025
charged with the property of that decedent. 72026

(B) If an individual is unable to make a return or notice 72027
required by this chapter, the return or notice required of that 72028
individual shall be made and filed by the individual's duly 72029
authorized agent, guardian, conservator, fiduciary, or other 72030
person charged with the care of the person or property of that 72031
individual. 72032

(C) Returns or notices required of an estate or a trust shall 72033
be made and filed by the fiduciary of the estate or trust. 72034

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 72035
of this section, any pass-through entity may file a single return 72036
on behalf of one or more of the entity's investors other than an 72037
investor that is a person subject to the tax imposed under section 72038
5733.06 of the Revised Code. The single return shall set forth the 72039
name, address, and social security number or other identifying 72040
number of each of those pass-through entity investors and shall 72041
indicate the distributive share of each of those pass-through 72042
entity investor's income taxable in this state in accordance with 72043
sections 5747.20 to 5747.231 of the Revised Code. Such 72044
pass-through entity investors for whom the pass-through entity 72045
elects to file a single return are not entitled to the exemption 72046
or credit provided for by sections 5747.02 and 5747.022 of the 72047
Revised Code; shall calculate the tax before business credits at 72048
the highest rate of tax set forth in section 5747.02 of the 72049
Revised Code for the taxable year for which the return is filed; 72050
and are entitled to only their distributive share of the business 72051

credits as defined in division (D)(2) of this section. A single 72052
check drawn by the pass-through entity shall accompany the return 72053
in full payment of the tax due, as shown on the single return, for 72054
such investors, other than investors who are persons subject to 72055
the tax imposed under section 5733.06 of the Revised Code. 72056

(b)(i) A pass-through entity shall not include in such a 72057
single return any investor that is a trust to the extent that any 72058
direct or indirect current, future, or contingent beneficiary of 72059
the trust is a person subject to the tax imposed under section 72060
5733.06 of the Revised Code. 72061

(ii) A pass-through entity shall not include in such a single 72062
return any investor that is itself a pass-through entity to the 72063
extent that any direct or indirect investor in the second 72064
pass-through entity is a person subject to the tax imposed under 72065
section 5733.06 of the Revised Code. 72066

(c) Nothing in division (D) of this section precludes the tax 72067
commissioner from requiring such investors to file the return and 72068
make the payment of taxes and related interest, penalty, and 72069
interest penalty required by this section or section 5747.02, 72070
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 72071
of this section precludes such an investor from filing the annual 72072
return under this section, utilizing the refundable credit equal 72073
to the investor's proportionate share of the tax paid by the 72074
pass-through entity on behalf of the investor under division (I) 72075
of this section, and making the payment of taxes imposed under 72076
section 5747.02 of the Revised Code. Nothing in division (D) of 72077
this section shall be construed to provide to such an investor or 72078
pass-through entity any additional deduction or credit, other than 72079
the credit provided by division (I) of this section, solely on 72080
account of the entity's filing a return in accordance with this 72081
section. Such a pass-through entity also shall make the filing and 72082
payment of estimated taxes on behalf of the pass-through entity 72083

investors other than an investor that is a person subject to the	72084
tax imposed under section 5733.06 of the Revised Code.	72085
(2) For the purposes of this section, "business credits"	72086
means the credits listed in section 5747.98 of the Revised Code	72087
excluding the following credits:	72088
(a) The retirement income credit under division (B) of	72089
section 5747.055 of the Revised Code;	72090
(b) The senior citizen credit under division (F) of section	72091
5747.055 of the Revised Code;	72092
(c) The lump sum distribution credit under division (G) of	72093
section 5747.055 of the Revised Code;	72094
(d) The dependent care credit under section 5747.054 of the	72095
Revised Code;	72096
(e) The lump sum retirement income credit under division (C)	72097
of section 5747.055 of the Revised Code;	72098
(f) The lump sum retirement income credit under division (D)	72099
of section 5747.055 of the Revised Code;	72100
(g) The lump sum retirement income credit under division (E)	72101
of section 5747.055 of the Revised Code;	72102
(h) The credit for displaced workers who pay for job training	72103
under section 5747.27 of the Revised Code;	72104
(i) The twenty-dollar personal exemption credit under section	72105
5747.022 of the Revised Code;	72106
(j) The joint filing credit under division (E) of section	72107
5747.05 of the Revised Code;	72108
(k) The nonresident credit under division (A) of section	72109
5747.05 of the Revised Code;	72110
(l) The credit for a resident's out-of-state income under	72111
division (B) of section 5747.05 of the Revised Code;	72112

(m) The earned income tax credit under section 5747.71 of the Revised Code; 72113
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(n) The lead abatement credit under section 5747.26 of the Revised Code. 72115
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(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 72117
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return. 72125
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(E) If a husband and wife file a joint federal income tax 72144

return for a taxable year, they shall file a joint return under 72145
this section for that taxable year, and their liabilities are 72146
joint and several, but, if the federal income tax liability of 72147
either spouse is determined on a separate federal income tax 72148
return, they shall file separate returns under this section. 72149

If either spouse is not required to file a federal income tax 72150
return and either or both are required to file a return pursuant 72151
to this chapter, they may elect to file separate or joint returns, 72152
and, pursuant to that election, their liabilities are separate or 72153
joint and several. If a husband and wife file separate returns 72154
pursuant to this chapter, each must claim the taxpayer's own 72155
exemption, but not both, as authorized under section 5747.02 of 72156
the Revised Code on the taxpayer's own return. 72157

(F) Each return or notice required to be filed under this 72158
section shall contain the signature of the taxpayer or the 72159
taxpayer's duly authorized agent and of the person who prepared 72160
the return for the taxpayer, and shall include the taxpayer's 72161
social security number. Each return shall be verified by a 72162
declaration under the penalties of perjury. The tax commissioner 72163
shall prescribe the form that the signature and declaration shall 72164
take. 72165

(G) Each return or notice required to be filed under this 72166
section shall be made and filed as required by section 5747.04 of 72167
the Revised Code, on or before the fifteenth day of April of each 72168
year, on forms that the tax commissioner shall prescribe, together 72169
with remittance made payable to the treasurer of state in the 72170
combined amount of the state and all school district income taxes 72171
shown to be due on the form. 72172

Upon good cause shown, the commissioner may extend the period 72173
for filing any notice or return required to be filed under this 72174
section and may adopt rules relating to extensions. If the 72175
extension results in an extension of time for the payment of any 72176

state or school district income tax liability with respect to 72177
which the return is filed, the taxpayer shall pay at the time the 72178
tax liability is paid an amount of interest computed at the rate 72179
per annum prescribed by section 5703.47 of the Revised Code on 72180
that liability from the time that payment is due without extension 72181
to the time of actual payment. Except as provided in section 72182
5747.132 of the Revised Code, in addition to all other interest 72183
charges and penalties, all taxes imposed under this chapter or 72184
Chapter 5748. of the Revised Code and remaining unpaid after they 72185
become due, except combined amounts due of one dollar or less, 72186
bear interest at the rate per annum prescribed by section 5703.47 72187
of the Revised Code until paid or until the day an assessment is 72188
issued under section 5747.13 of the Revised Code, whichever occurs 72189
first. 72190

If the commissioner considers it necessary in order to ensure 72191
the payment of the tax imposed by section 5747.02 of the Revised 72192
Code or any tax imposed under Chapter 5748. of the Revised Code, 72193
the commissioner may require returns and payments to be made 72194
otherwise than as provided in this section. 72195

To the extent that any provision in this division conflicts 72196
with any provision in section 5747.026 of the Revised Code, the 72197
provision in that section prevails. 72198

(H) The amounts withheld by an employer pursuant to section 72199
5747.06 of the Revised Code, a casino operator pursuant to section 72200
5747.063 of the Revised Code, or a lottery sales agent pursuant to 72201
section 5747.064 of the Revised Code shall be allowed to the 72202
recipient of the compensation casino winnings, or lottery prize 72203
award as credits against payment of the appropriate taxes imposed 72204
on the recipient by section 5747.02 and under Chapter 5748. of the 72205
Revised Code. 72206

(I) If a pass-through entity elects to file a single return 72207
under division (D) of this section and if any investor is required 72208

to file the annual return and make the payment of taxes required 72209
by this chapter on account of the investor's other income that is 72210
not included in a single return filed by a pass-through entity or 72211
any other investor elects to file the annual return, the investor 72212
is entitled to a refundable credit equal to the investor's 72213
proportionate share of the tax paid by the pass-through entity on 72214
behalf of the investor. The investor shall claim the credit for 72215
the investor's taxable year in which or with which ends the 72216
taxable year of the pass-through entity. Nothing in this chapter 72217
shall be construed to allow any credit provided in this chapter to 72218
be claimed more than once. For the purpose of computing any 72219
interest, penalty, or interest penalty, the investor shall be 72220
deemed to have paid the refundable credit provided by this 72221
division on the day that the pass-through entity paid the 72222
estimated tax or the tax giving rise to the credit. 72223

(J) The tax commissioner shall ensure that each return 72224
required to be filed under this section includes a box that the 72225
taxpayer may check to authorize a paid tax preparer who prepared 72226
the return to communicate with the department of taxation about 72227
matters pertaining to the return. The return or instructions 72228
accompanying the return shall indicate that by checking the box 72229
the taxpayer authorizes the department of taxation to contact the 72230
preparer concerning questions that arise during the processing of 72231
the return and authorizes the preparer only to provide the 72232
department with information that is missing from the return, to 72233
contact the department for information about the processing of the 72234
return or the status of the taxpayer's refund or payments, and to 72235
respond to notices about mathematical errors, offsets, or return 72236
preparation that the taxpayer has received from the department and 72237
has shown to the preparer. 72238

(K) The tax commissioner shall permit individual taxpayers to 72239
instruct the department of taxation to cause any refund of 72240

overpaid taxes to be deposited directly into a checking account, 72241
savings account, or an individual retirement account or individual 72242
retirement annuity, or preexisting college savings plan or program 72243
account offered by the Ohio tuition trust authority under Chapter 72244
3334. of the Revised Code, as designated by the taxpayer, when the 72245
taxpayer files the annual return required by this section 72246
electronically. 72247

(L) The tax commissioner may adopt rules to administer this 72248
section. 72249

Sec. 5747.10. (A) As used in this section: 72250

(1) "Audited partnership" means a partnership subject to an 72251
examination by the internal revenue service pursuant to subchapter 72252
C, chapter 63, subtitle F of the Internal Revenue Code resulting 72253
in a federal adjustment. 72254

(2)(a) "Direct investor" means a partner or other investor 72255
that holds a direct interest in a pass-through entity. 72256

(b) "Indirect investor" means a partner or other investor 72257
that holds an interest in a pass-through entity that itself holds 72258
an interest, directly or through another indirect partner or other 72259
investor, in a pass-through entity. 72260

(3) "Exempt partner" means a partner that is neither a 72261
pass-through entity nor a person subject to the tax imposed by 72262
section 5747.02 of the Revised Code. 72263

(4) "Federal adjustment" means a change to an item or amount 72264
required to be determined under the Internal Revenue Code that 72265
directly or indirectly affects a taxpayer's aggregate tax 72266
liability under section 5747.02 or Chapter 5748. of the Revised 72267
Code and that results from an action or examination by the 72268
internal revenue service, or from the filing of an amended federal 72269
tax return, a claim for a federal tax refund, or an administrative 72270

adjustment request filed by a partnership under section 6227 of 72271
the Internal Revenue Code. 72272

(5) "Federal adjustments return" means the form or other 72273
document prescribed by the tax commissioner for use by a taxpayer 72274
in reporting final federal adjustments. 72275

(6) "State partnership representative" means either of the 72276
following: 72277

(a) The person who served as the partnership's representative 72278
for federal income tax purposes, pursuant to section 6223(a) of 72279
the Internal Revenue Code, during the corresponding federal 72280
partnership audit; 72281

(b) The person designated, on a form prescribed by the tax 72282
commissioner, to serve as the partnership's representative during 72283
the state partnership audit. The commissioner may establish 72284
reasonable qualifications and procedures for a person to be 72285
designated as a state partnership representative under this 72286
division. 72287

(7) A federal adjustment is "final" or "agreed to or finally 72288
determined for federal income tax purposes" on any of the 72289
following: 72290

(a) The day after which the period for appeal of a federal 72291
assessment has expired; 72292

(b) The date on a refund check issued by the internal revenue 72293
service; or 72294

(c) For agreements required to be signed by the internal 72295
revenue service and the taxpayer or audited partnership, the date 72296
on which the last party signed the agreement. 72297

(B) If any of the facts, figures, computations, or 72298
attachments required in a taxpayer's annual return to determine 72299
the tax charged by this chapter or Chapter 5748. of the Revised 72300

Code must be altered as the result of ~~an~~ a final federal 72301
~~adjustment to the taxpayer's federal income tax return, whether~~ 72302
~~initiated by the taxpayer or the internal revenue service, and~~ 72303
~~such alteration affects the taxpayer's tax liability under this~~ 72304
~~chapter or Chapter 5748. of the Revised Code, and the federal~~ 72305
~~adjustment is not required to be reported under division (C) of~~ 72306
this section, the taxpayer shall file an amended return with the 72307
tax commissioner in such form as the commissioner requires. The 72308
amended return shall be filed not later than ~~sixty~~ ninety days 72309
after the federal adjustment has been agreed to or finally 72310
determined for federal income tax purposes ~~or any federal income~~ 72311
~~tax deficiency or refund, or the abatement or credit resulting~~ 72312
~~therefrom, has been assessed or paid, whichever occurs first.~~ 72313

~~(A)(C)~~ Except for adjustments required to be reported for 72314
federal purposes pursuant to section 6225(a)(2) of the Internal 72315
Revenue Code and adjustments that are taken into account on a 72316
federal amended return or similar report filed pursuant to section 72317
6225(c)(2) of the Internal Revenue Code, partnerships and partners 72318
shall report final federal adjustments and make payments as 72319
required under division (C) of this section. 72320

(1) With respect to an action required or permitted to be 72321
taken by a partnership under this section, and any petition for 72322
reassessment or appeal to the board of tax appeals or any court 72323
with respect to such an action, the state partnership 72324
representative shall have the sole authority to act on behalf of 72325
the audited partnership, and the partnership's direct and indirect 72326
investors shall be bound by those actions. 72327

(2) Unless an audited partnership makes the election under 72328
division (C)(3) of this section: 72329

(a) The audited partnership, through its state partnership 72330
representative, shall do all of the following within ninety days 72331
after the federal adjustment is final: 72332

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section; 72333
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(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments; 72336
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(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing. 72339
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(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner. 72345
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(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section. 72352
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(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations. 72359
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(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final: 72364
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72367

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section; 72368
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72370

(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following: 72371
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(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity; 72375
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(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer. 72378
72379

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section. 72380
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(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section. 72384
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(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under 72389
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division (C)(3)(b) of this section. The credit shall be computed 72395
and claimed in the same manner as the credit allowed under 72396
division (I) of section 5747.08 of the Revised Code. 72397

(ii) Notwithstanding division (C)(4)(b)(i) of this section, 72398
an exempt partner, whether a direct or indirect investor, may file 72399
an application for refund of its proportionate share of the 72400
amounts erroneously paid by the audited partnership pursuant to 72401
division (C)(3)(b) of this section on the exempt partner's behalf. 72402

(5) Upon request by an audited partnership, the tax 72403
commissioner may agree, in writing, to allow an alternative method 72404
of reporting and payment than required by divisions (C)(2) or (3) 72405
of this section. The request must be submitted to the commissioner 72406
in writing before the applicable deadline for filing a return 72407
under division (C)(2)(a) or (3) of this section. The 72408
commissioner's decision on whether to enter into an agreement 72409
under this division is not subject to further administrative 72410
review or appeal. 72411

(6) Nothing in division (C) of this section precludes either 72412
of the following: 72413

(a) A resident taxpayer from filing a return to claim the 72414
credit under division (B) of section 5747.05 or division (D)(2) of 72415
section 5747.02 of the Revised Code based upon any amounts paid by 72416
the audited partnership on such investor's behalf to another 72417
state. 72418

(b) The tax commissioner from issuing an assessment under 72419
this chapter against any direct or indirect investor for taxes due 72420
from the investor if an audited partnership, or direct and 72421
indirect investor of an audited partnership that is a pass-through 72422
entity, fails to timely file any return or remit any payment 72423
required by this section or underreports income or underpays tax 72424
on behalf of an indirect investor who is a resident taxpayer. 72425

(D) In the case of an underpayment, ~~the~~ and unless otherwise 72426
agreed to in writing by the tax commissioner: 72427

(1) The taxpayer's amended return shall be accompanied by 72428
payment of any combined additional tax due together with interest 72429
thereon. An amended return required by this section is a return 72430
subject to assessment under section 5747.13 of the Revised Code 72431
for the purpose of assessing any additional tax due under this 72432
section, together with any applicable penalty and interest. It 72433
shall not reopen those facts, figures, computations, or 72434
attachments from a previously filed return no longer subject to 72435
assessment that are not affected, either directly or indirectly, 72436
by the final federal adjustment to the taxpayer's federal income 72437
tax return. 72438

~~(B)~~(2) The audited partnership's federal adjustments return 72439
shall be accompanied by payment of any combined additional tax due 72440
together with interest thereon. The federal adjustments return 72441
required by this section is a return subject to assessment under 72442
section 5747.13 of the Revised Code for the purpose of assessing 72443
any additional tax due under this section, together with any 72444
applicable penalty and interest. It shall not reopen those facts, 72445
figures, computations, or attachments from a previously filed 72446
return no longer subject to assessment that are not affected, 72447
either directly or indirectly, by the final federal adjustment. 72448

(3) The tax commissioner may accept estimated payments of the 72449
tax arising from pending federal adjustments before the date for 72450
filing a federal adjustments return. The commissioner may adopt 72451
rules for the payment of such estimated taxes. 72452

(E) In the case of an overpayment, and unless otherwise 72453
agreed to in writing by the tax commissioner: 72454

(1) A taxpayer may file an application for refund ~~may be~~ 72455
filed under this division within the ~~sixty-day~~ ninety-day period 72456

prescribed for filing the amended return even if it is filed 72457
beyond the period prescribed in section 5747.11 of the Revised 72458
Code if it otherwise conforms to the requirements of such section. 72459
An application filed under this division shall claim refund of 72460
overpayments resulting from alterations to only those facts, 72461
figures, computations, or attachments required in the taxpayer's 72462
annual return that are affected, either directly or indirectly, by 72463
the final federal adjustment to the taxpayer's federal income tax 72464
return unless it is also filed within the time prescribed in 72465
section 5747.11 of the Revised Code. It shall not reopen those 72466
facts, figures, computations, or attachments that are not 72467
affected, either directly or indirectly, by the adjustment to the 72468
taxpayer's federal income tax return. 72469

(2)(a) Except as otherwise provided in division (E)(2)(b) of 72470
this section, an audited partnership may file an application for a 72471
refund under this division within the ninety-day period prescribed 72472
for filing the federal adjustments return, even if it is filed 72473
beyond the period prescribed by section 5747.11 of the Revised 72474
Code, if it otherwise conforms to the requirements of that 72475
section. An application filed under this division may claim a 72476
refund of overpayments resulting only from final federal 72477
adjustments unless it is also filed within the time prescribed by 72478
section 5747.11 of the Revised Code. It shall not reopen those 72479
facts, figures, computations, or attachments that are not 72480
affected, either directly or indirectly, by the federal 72481
adjustment. 72482

(b) An audited partnership may not file an application for 72483
refund under division (E) of this section based on final federal 72484
adjustments described in section 6225(a)(2) of the Internal 72485
Revenue Code. 72486

(3) Any refund granted to a pass-through entity filing an 72487
application for refund under division (E) of this section shall be 72488

reduced by amounts previously claimed as a credit under section 72489
5747.059 or division (I) of section 5747.08 of the Revised Code by 72490
the pass-through entity's direct or indirect investors. 72491

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 72492
section, an audited partnership, or a direct or indirect investor 72493
of an audited partnership that is a pass-through entity, may 72494
automatically extend the deadline for reporting, payments, and 72495
refunds under this section by sixty days if the entity has ten 72496
thousand or more direct investors and notifies the commissioner of 72497
such extension, in writing, before the unextended deadline. 72498

Sec. 5747.11. (A) The tax commissioner shall refund to 72499
employers, qualifying entities, or taxpayers subject to a tax 72500
imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 72501
5748. of the Revised Code the amount of any overpayment of such 72502
tax. 72503

(B) Except as otherwise provided under divisions (D) and (E) 72504
of this section, applications for refund shall be filed with the 72505
tax commissioner, on the form prescribed by the commissioner, 72506
within four years from the date of the illegal, erroneous, or 72507
excessive payment of the tax, or within any additional period 72508
allowed by division (B)(3)(b) of section 5747.05, division ~~(B)~~(E) 72509
of section 5747.10, division (A) of section 5747.13, or division 72510
(C) of section 5747.45 of the Revised Code. 72511

On filing of the refund application, the commissioner shall 72512
determine the amount of refund due and, if that amount exceeds one 72513
dollar, certify such amount to the director of budget and 72514
management and treasurer of state for payment from the tax refund 72515
fund created by section 5703.052 of the Revised Code. Payment 72516
shall be made as provided in division (C) of section 126.35 of the 72517
Revised Code. 72518

(C)(1) Interest shall be allowed and paid at the rate per 72519

annum prescribed by section 5703.47 of the Revised Code on amounts 72520
refunded with respect to the tax imposed under section 5747.02 or 72521
Chapter 5748. of the Revised Code from the date of the overpayment 72522
until the date of the refund of the overpayment, except that if 72523
any overpayment is refunded within ninety days after the final 72524
filing date of the annual return or ninety days after the return 72525
is filed, whichever is later, no interest shall be allowed on such 72526
overpayment. If the overpayment results from the carryback of a 72527
net operating loss or net capital loss to a previous taxable year, 72528
the overpayment is deemed not to have been made prior to the 72529
filing date, including any extension thereof, for the taxable year 72530
in which the net operating loss or net capital loss arises. For 72531
purposes of the payment of interest on overpayments, no amount of 72532
tax, for any taxable year, shall be treated as having been paid 72533
before the date on which the tax return for that year was due 72534
without regard to any extension of time for filing such return. 72535

(2) Interest shall be allowed at the rate per annum 72536
prescribed by section 5703.47 of the Revised Code on amounts 72537
refunded with respect to the taxes imposed under sections 5733.41 72538
and 5747.41 of the Revised Code. The interest shall run from 72539
whichever of the following days is the latest until the day the 72540
refund is paid: the day the illegal, erroneous, or excessive 72541
payment was made; the ninetieth day after the final day the annual 72542
report was required to be filed under section 5747.42 of the 72543
Revised Code; or the ninetieth day after the day that report was 72544
filed. 72545

(D) "Ninety days" shall be substituted for "four years" in 72546
division (B) of this section if the taxpayer satisfies both of the 72547
following conditions: 72548

(1) The taxpayer has applied for a refund based in whole or 72549
in part upon section 5747.059 of the Revised Code; 72550

(2) The taxpayer asserts that either the imposition or 72551

collection of the tax imposed or charged by this chapter or any 72552
portion of such tax violates the Constitution of the United States 72553
or the Constitution of Ohio. 72554

(E)(1) Division (E)(2) of this section applies only if all of 72555
the following conditions are satisfied: 72556

(a) A qualifying entity pays an amount of the tax imposed by 72557
section 5733.41 or 5747.41 of the Revised Code; 72558

(b) The taxpayer is a qualifying investor as to that 72559
qualifying entity; 72560

(c) The taxpayer did not claim the credit provided for in 72561
section 5747.059 of the Revised Code as to the tax described in 72562
division (E)(1)(a) of this section; 72563

(d) The four-year period described in division (B) of this 72564
section has ended as to the taxable year for which the taxpayer 72565
otherwise would have claimed that credit. 72566

(2) A taxpayer shall file an application for refund pursuant 72567
to division (E) of this section within one year after the date the 72568
payment described in division (E)(1)(a) of this section is made. 72569
An application filed under division (E)(2) of this section shall 72570
claim refund only of overpayments resulting from the taxpayer's 72571
failure to claim the credit described in division (E)(1)(c) of 72572
this section. Nothing in division (E) of this section shall be 72573
construed to relieve a taxpayer from complying with division 72574
(A)(16) of section 5747.01 of the Revised Code. 72575

Sec. 5747.26. (A) Terms used in this section have the same 72576
meanings as in section 3742.50 of the Revised Code. 72577

(B) There is hereby allowed a nonrefundable credit against a 72578
taxpayer's aggregate tax liability under section 5747.02 of the 72579
Revised Code for a taxpayer to whom a lead abatement tax credit 72580
certificate was issued under section 3742.50 of the Revised Code. 72581

The credit equals the amount listed on the certificate and shall 72582
be claimed for the taxable year in which the certificate was 72583
issued. 72584

The credit shall be claimed in the order required under 72585
section 5747.98 of the Revised Code. If the credit exceeds the 72586
taxpayer's aggregate tax due under section 5747.02 of the Revised 72587
Code for that taxable year after allowing for credits that precede 72588
the credit under this section in that order, such excess shall be 72589
allowed as a credit in each of the ensuing seven taxable years, 72590
but the amount of any excess credit allowed in any such taxable 72591
year shall be deducted from the balance carried forward to the 72592
ensuing taxable year. 72593

(C) The taxpayer shall provide, upon request of the tax 72594
commissioner, any documentation necessary to verify the taxpayer 72595
is entitled to the credit under this section. 72596

Sec. 5747.50. (A) As used in this section: 72597

(1) "County's proportionate share of the calendar year 2007 72598
LGF and LGRAF distributions" means the percentage computed for the 72599
county under division (B)(1)(a) of section 5747.501 of the Revised 72600
Code. 72601

(2) "County's proportionate share of the total amount of the 72602
local government fund additional revenue formula" means each 72603
county's proportionate share of the state's population as 72604
determined for and certified to the county for distributions to be 72605
made during the current calendar year under division (B)(2)(a) of 72606
section 5747.501 of the Revised Code. If prior to the first day of 72607
January of the current calendar year the federal government has 72608
issued a revision to the population figures reflected in the 72609
estimate produced pursuant to division (B)(2)(a) of section 72610
5747.501 of the Revised Code, such revised population figures 72611
shall be used for making the distributions during the current 72612

calendar year. 72613

(3) "2007 LGF and LGRAF county distribution base available in 72614
that month" means the lesser of the amounts described in division 72615
(A)(3)(a) and (b) of this section, provided that the amount shall 72616
not be less than zero: 72617

(a) The total amount available for distribution to counties 72618
from the local government fund during the current month. 72619

(b) The total amount distributed to counties from the local 72620
government fund and the local government revenue assistance fund 72621
to counties in calendar year 2007 less the total amount 72622
distributed to counties under division (B)(1) of this section 72623
during previous months of the current calendar year. 72624

(4) "Local government fund additional revenue distribution 72625
base available during that month" means the total amount available 72626
for distribution to counties during the month from the local 72627
government fund, less any amounts to be distributed in that month 72628
from the local government fund under division (B)(1) of this 72629
section, provided that the local government fund additional 72630
revenue distribution base available during that month shall not be 72631
less than zero. 72632

(5) "Total amount available for distribution to counties" 72633
means the total amount available for distribution from the local 72634
government fund during the current month less the total amount 72635
available for distribution to municipal corporations during the 72636
current month under division (C) of this section. 72637

(B) On or before the tenth day of each month, the tax 72638
commissioner shall provide for payment to each county an amount 72639
equal to the sum of: 72640

(1) The county's proportionate share of the calendar year 72641
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 72642
LGRAF county distribution base available in that month, provided 72643

that if the 2007 LGF and LGRAF county distribution base available 72644
in that month is zero, no payment shall be made under division 72645
(B)(1) of this section for the month or the remainder of the 72646
calendar year; and 72647

(2) The county's proportionate share of the total amount of 72648
the local government fund additional revenue formula multiplied by 72649
the local government fund additional revenue distribution base 72650
available during that month. 72651

Money received into the treasury of a county under this 72652
division shall be credited to the undivided local government fund 72653
in the treasury of the county on or before the fifteenth day of 72654
each month. On or before the twentieth day of each month, the 72655
county auditor shall issue warrants against all of the undivided 72656
local government fund in the county treasury in the respective 72657
amounts allowed as provided in section 5747.51 of the Revised 72658
Code, and the treasurer shall distribute and pay such sums to the 72659
subdivision therein. 72660

(C)(1) As used in division (C) of this section: 72661

(a) "Total amount available for distribution to 72662
municipalities during the current month" means the difference 72663
obtained by subtracting one million dollars from the product 72664
obtained by multiplying the total amount available for 72665
distribution from the local government fund during the current 72666
month by the aggregate municipal share. 72667

(b) "Aggregate municipal share" means the quotient obtained 72668
by dividing the total amount distributed directly from the local 72669
government fund to municipal corporations during calendar year 72670
2007 by the total distributions from the local government fund and 72671
local government revenue assistance fund during calendar year 72672
2007. 72673

(c) A municipal corporation's "distribution share" equals the 72674

lesser of fifty thousand or the municipal corporation's population 72675
according to the most recent federal decennial census. 72676

(d) A municipal corporation's "distribution percentage" 72677
equals the percentage that a municipal corporation's distribution 72678
share is of the total of all municipal corporations' distribution 72679
shares. 72680

(2) On or before the tenth day of each month, the tax 72681
commissioner shall provide for payment from the local government 72682
fund to each municipal corporation an amount equal to the product 72683
derived by multiplying the municipal corporation's distribution 72684
~~percentage of the total amount distributed to all such municipal~~ 72685
~~corporations under this division during calendar year 2007~~ by the 72686
total amount available for distribution to municipal corporations 72687
during the current month. 72688

(3) Payments received by a municipal corporation under this 72689
division shall be paid into its general fund and may be used for 72690
any lawful purpose. 72691

(4) The amount distributed to municipal corporations under 72692
this division during any calendar year shall not exceed the amount 72693
distributed directly from the local government fund to municipal 72694
corporations during calendar year 2007. If that maximum amount is 72695
reached during any month, distributions to municipal corporations 72696
in that month shall be as provided in divisions (C)(1) and (2) of 72697
this section, but no further distributions shall be made to 72698
municipal corporations under division (C) of this section during 72699
the remainder of the calendar year. 72700

(5) Upon being informed of a municipal corporation's 72701
dissolution, the tax commissioner shall cease providing for 72702
payments to that municipal corporation under division (C) of this 72703
section. The proportionate shares of the total amount available 72704
for distribution to each of the remaining municipal corporations 72705

under this division shall be increased on a pro rata basis. 72706

The tax commissioner shall reduce payments under division (C) 72707
of this section to municipal corporations for which reduced 72708
payments are required under section 5747.502 of the Revised Code. 72709

(D) Each municipal corporation which has in effect a tax 72710
imposed under Chapter 718. of the Revised Code shall, no later 72711
than the thirty-first day of August of each year, certify to the 72712
tax commissioner, on a form prescribed by the commissioner, the 72713
amount of income tax revenue collected and refunded by such 72714
municipal corporation pursuant to such chapter during the 72715
preceding calendar year, arranged, when possible, by the type of 72716
income from which the revenue was collected or the refund was 72717
issued. The municipal corporation shall also report the amount of 72718
income tax revenue collected and refunded on behalf of a joint 72719
economic development district or a joint economic development zone 72720
that levies an income tax administered by the municipal 72721
corporation and the amount of such revenue distributed to 72722
contracting parties during the preceding calendar year. The tax 72723
commissioner may withhold payment of local government fund moneys 72724
pursuant to division (C) of this section from any municipal 72725
corporation for failure to comply with this reporting requirement. 72726

(E)(1) For the purposes of division (E) of this section: 72727

(a) "Eligible taxing district" means a township, township 72728
fire district, or joint fire district for which the total taxable 72729
value of eligible power plants for tax year 2017 is at least 72730
thirty per cent less than the total taxable value of eligible 72731
power plants for tax year 2016. 72732

(b) "Eligible power plant" means a power plant that is 72733
subject to the requirements of 10 C.F.R. part 73. 72734

(c) "Total taxable value of eligible power plants" of an 72735
eligible taxing district means the total taxable value of the 72736

taxable property of eligible power plants apportioned to the 72737
district as shown in a preliminary assessment or amended 72738
preliminary assessment and listed on the tax list of real and 72739
public utility property. 72740

(d) "Taxable property" has the same meaning as in section 72741
5727.01 of the Revised Code. 72742

(e) "Tax rate" of an eligible taxing district means one of 72743
the following: 72744

(i) For townships, the sum of the rates of levies imposed 72745
under section 505.39, 505.51, or division (I), (J), (U), or (JJ) 72746
of section 5705.19 of the Revised Code and extended on the tax 72747
list of real and public utility property for tax year 2017, 72748
excluding any levy imposed at whatever rate is required to raise a 72749
fixed sum of money; 72750

(ii) For township fire districts and joint fire districts, 72751
the sum of the rates of levies extended on the tax list of real 72752
and public utility property for tax year 2017, excluding any levy 72753
imposed at whatever rate is required to raise a fixed sum of 72754
money. 72755

(2) Each fiscal year from fiscal year 2018 through fiscal 72756
year 2028, the tax commissioner shall compute the following amount 72757
for each eligible taxing district: 72758

(a) For fiscal years 2018 and 2019, the amount obtained by 72759
multiplying the eligible taxing district's tax rate by the 72760
difference obtained by subtracting (i) the total taxable value of 72761
eligible power plants of the district for tax year 2017 from (ii) 72762
the total taxable value of eligible power plants of the district 72763
for tax year 2016; 72764

(b) For fiscal years 2020 through 2028, ninety per cent of 72765
the amount calculated for the district under division (E)(2)(a) or 72766
(b) of this section for the preceding fiscal year. 72767

The commissioner shall certify the sum of the amounts 72768
calculated for all eligible taxing districts under this division 72769
for a fiscal year to the director of budget and management who, on 72770
or before the seventh day of each month of that fiscal year, shall 72771
transfer from the general revenue fund to the local government 72772
fund one-twelfth of the amount certified. 72773

(3) On or before the tenth day of each month, the tax 72774
commissioner shall provide for payment to each county treasury in 72775
which an eligible taxing district is located an amount equal to 72776
one-twelfth of the amount computed for the district for that 72777
fiscal year under division (E)(2) of this section. 72778

Money received into the treasury of a county under division 72779
(E) of this section shall be credited to the undivided local 72780
government fund in the treasury of the county on or before the 72781
fifteenth day of each month. On or before the twentieth day of 72782
each month, the county auditor shall issue warrants against the 72783
undivided local government fund for the amounts attributable to 72784
each eligible taxing district, and the treasurer shall distribute 72785
and pay such amounts to each eligible taxing district. Money 72786
received by a township fire district or joint fire district under 72787
this division shall be credited to the district's general fund and 72788
may be used for any lawful purpose of the district. Money received 72789
by a township under this division shall be credited to the 72790
township's general fund and shall be used for the purpose of 72791
funding fire, police, emergency medical, or ambulance services. 72792

Sec. 5747.98. (A) To provide a uniform procedure for 72793
calculating a taxpayer's aggregate tax liability under section 72794
5747.02 of the Revised Code, a taxpayer shall claim any credits to 72795
which the taxpayer is entitled in the following order: 72796

(1) Either the retirement income credit under division (B) of 72797
section 5747.055 of the Revised Code or the lump sum retirement 72798

income credits under divisions (C), (D), and (E) of that section;	72799
(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;	72800 72801 72802
(3) The dependent care credit under section 5747.054 of the Revised Code;	72803 72804
(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	72805 72806
(5) The campaign contribution credit under section 5747.29 of the Revised Code;	72807 72808
(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	72809 72810
(7) <u>(6)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	72811 72812
(8) <u>(7)</u> The earned income credit under section 5747.71 of the Revised Code;	72813 72814
(9) <u>(8)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	72815 72816
(10) <u>(9)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	72817 72818
(11) <u>(10)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	72819 72820
(12) <u>(11)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	72821 72822
(13) <u>(12)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	72823 72824
(14) <u>(13)</u> The small business investment credit under section 5747.81 of the Revised Code;	72825 72826
(15) <u>(14)</u> <u>The nonrefundable lead abatement credit under</u>	72827

<u>section 5747.26 of the Revised Code;</u>	72828
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	72829
<u>(16) The enterprise zone credits under section 5709.65 of the Revised Code;</u>	72831
<u>(17) The research and development credit under section 5747.331 of the Revised Code;</u>	72832
<u>(18) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	72833
<u>(19) The nonresident credit under division (A) of section 5747.05 of the Revised Code;</u>	72834
<u>(20) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;</u>	72835
<u>(21) The refundable motion picture <u>and Broadway</u> theatrical production credit under section 5747.66 of the Revised Code;</u>	72836
<u>(22) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;</u>	72837
<u>(23) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;</u>	72838
<u>(24) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;</u>	72839
<u>(25) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;</u>	72840
<u>(26) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	72841
(26) The refundable credit for financial institution taxes	72842

~~paid by a pass through entity granted under section 5747.65 of the Revised Code.~~ 72857
72858

(B) For any credit, except the refundable credits enumerated 72859
in this section and the credit granted under division (H) of 72860
section 5747.08 of the Revised Code, the amount of the credit for 72861
a taxable year shall not exceed the taxpayer's aggregate amount of 72862
tax due under section 5747.02 of the Revised Code, after allowing 72863
for any other credit that precedes it in the order required under 72864
this section. Any excess amount of a particular credit may be 72865
carried forward if authorized under the section creating that 72866
credit. Nothing in this chapter shall be construed to allow a 72867
taxpayer to claim, directly or indirectly, a credit more than once 72868
for a taxable year. 72869

Sec. 5748.01. As used in this chapter: 72870

(A) "School district income tax" means an income tax adopted 72871
under one of the following: 72872

(1) Former section 5748.03 of the Revised Code as it existed 72873
prior to its repeal by Amended Substitute House Bill No. 291 of 72874
the 115th general assembly; 72875

(2) Section 5748.03 of the Revised Code as enacted in 72876
Substitute Senate Bill No. 28 of the 118th general assembly; 72877

(3) Section 5748.08 of the Revised Code as enacted in Amended 72878
Substitute Senate Bill No. 17 of the 122nd general assembly; 72879

(4) Section 5748.021 of the Revised Code; 72880

(5) Section 5748.081 of the Revised Code; 72881

(6) Section 5748.09 of the Revised Code. 72882

(B) "Individual" means an individual subject to the tax 72883
levied by section 5747.02 of the Revised Code. 72884

(C) "Estate" means an estate subject to the tax levied by 72885

section 5747.02 of the Revised Code.	72886
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	72887 72888
(E) "Taxable income" means:	72889
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	72890 72891
(a) Ohio Modified adjusted gross income for the taxable year, as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, plus any amount deducted under division (A)(31) of section 5747.01 of the Revised Code for the taxable year;	72892 72893 72894 72895 72896
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	72897 72898 72899 72900 72901 72902
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	72903 72904 72905
(F) "Resident" of the school district means:	72906
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;	72907 72908 72909 72910 72911 72912
(2) An estate of a decedent who, at the time of death, was domiciled in the school district.	72913 72914
(G) "School district income" means:	72915

(1) With respect to an individual, the portion of the taxable
income of an individual that is received by the individual during
the portion of the taxable year that the individual is a resident
of the school district and the school district income tax is in
effect in that school district. An individual may have school
district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the
estate for the portion of the taxable year that the school
district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school
district income upon which a school district income tax is
imposed.

(I) "School district purposes" means any of the purposes for
which a tax may be levied pursuant to division (A) of section
5705.21 of the Revised Code, including the combined purposes
authorized by section 5705.217 of the Revised Code.

Sec. 5751.02. (A) For the purpose of funding the needs of
this state and its local governments, there is hereby levied a
commercial activity tax on each person with taxable gross receipts
for the privilege of doing business in this state. For the
purposes of this chapter, "doing business" means engaging in any
activity, whether legal or illegal, that is conducted for, or
results in, gain, profit, or income, at any time during a calendar
year. Persons on which the commercial activity tax is levied
include, but are not limited to, persons with substantial nexus
with this state. The tax imposed under this section is not a
transactional tax and is not subject to Public Law No. 86-272, 73
Stat. 555. The tax imposed under this section is in addition to
any other taxes or fees imposed under the Revised Code. The tax
levied under this section is imposed on the person receiving the
gross receipts and is not a tax imposed directly on a purchaser.

The tax imposed by this section is an annual privilege tax for the 72947
calendar year that, in the case of calendar year taxpayers, is the 72948
annual tax period and, in the case of calendar quarter taxpayers, 72949
contains all quarterly tax periods in the calendar year. A 72950
taxpayer is subject to the annual privilege tax for doing business 72951
during any portion of such calendar year. 72952

(B) The tax imposed by this section is a tax on the taxpayer 72953
and shall not be billed or invoiced to another person. Even if the 72954
tax or any portion thereof is billed or invoiced and separately 72955
stated, such amounts remain part of the price for purposes of the 72956
sales and use taxes levied under Chapters 5739. and 5741. of the 72957
Revised Code. Nothing in division (B) of this section prohibits: 72958

(1) A person from including in the price charged for a good 72959
or service an amount sufficient to recover the tax imposed by this 72960
section; or 72961

(2) A lessor from including an amount sufficient to recover 72962
the tax imposed by this section in a lease payment charged, or 72963
from including such an amount on a billing or invoice pursuant to 72964
the terms of a written lease agreement providing for the recovery 72965
of the lessor's tax costs. The recovery of such costs shall be 72966
based on an estimate of the total tax cost of the lessor during 72967
the tax period, as the tax liability of the lessor cannot be 72968
calculated until the end of that period. 72969

(C)(1) The commercial activities tax receipts fund is hereby 72970
created in the state treasury and shall consist of money arising 72971
from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five 72972
one-hundredths of one per cent of the money credited to that fund 72973
shall be credited to the revenue enhancement fund and shall be 72974
used to defray the costs incurred by the department of taxation in 72975
administering the tax imposed by this chapter and in implementing 72976
tax reform measures. The remainder of the money in the commercial 72977

activities tax receipts fund shall first be credited to the 72978
commercial activity tax motor fuel receipts fund, pursuant to 72979
division (C)(2) of this section, and the remainder shall be 72980
credited in the following percentages each fiscal year to the 72981
general revenue fund, to the school district tangible property tax 72982
replacement fund, which is hereby created in the state treasury 72983
for the purpose of making the payments described in section 72984
5709.92 of the Revised Code, and to the local government tangible 72985
property tax replacement fund, which is hereby created in the 72986
state treasury for the purpose of making the payments described in 72987
section 5709.93 of the Revised Code, in the following percentages: 72988

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	72990
2016 and 2017	75.0%	20.0%	5.0%	72991
2018 and thereafter	85.0%	13.0%	2.0%	72992

(2) Not later than the twentieth day of February, May, 72993
August, and November of each year, the commissioner shall provide 72994
for payment from the commercial activities tax receipts fund to 72995
the commercial activity tax motor fuel receipts fund an amount 72996
that bears the same ratio to the balance in the commercial 72997
activities tax receipts fund that (a) the taxable gross receipts 72998
attributed to motor fuel used for propelling vehicles on public 72999
highways as indicated by returns filed by the tenth day of that 73000
month for a liability that is due and payable on or after July 1, 73001
2013, for a tax period ending before July 1, 2014, bears to (b) 73002
all taxable gross receipts as indicated by those returns for such 73003
liabilities. 73004

(D)(1) If the total amount in the school district tangible 73005

property tax replacement fund is insufficient to make all payments 73006
under section 5709.92 of the Revised Code at the times the 73007
payments are to be made, the director of budget and management 73008
shall transfer from the general revenue fund to the school 73009
district tangible property tax replacement fund the difference 73010
between the total amount to be paid and the amount in the school 73011
district tangible property tax replacement fund. 73012

(2) If the total amount in the local government tangible 73013
property tax replacement fund is insufficient to make all payments 73014
under section 5709.93 of the Revised Code at the times the 73015
payments are to be made, the director of budget and management 73016
shall transfer from the general revenue fund to the local 73017
government tangible property tax replacement fund the difference 73018
between the total amount to be paid and the amount in the local 73019
government tangible property tax replacement fund. 73020

(E)(1) On or after the first day of June of each year, the 73021
director of budget and management may transfer any balance in the 73022
school district tangible property tax replacement fund to the 73023
general revenue fund. 73024

(2) On or after the first day of June of each year, the 73025
director of budget and management may transfer any balance in the 73026
local government tangible property tax replacement fund to the 73027
general revenue fund. 73028

(F)(1) There is hereby created in the state treasury the 73029
commercial activity tax motor fuel receipts fund. 73030

(2) On or before the fifteenth day of June of each fiscal 73031
year beginning with fiscal year 2015, the director of the Ohio 73032
public works commission shall certify to the director of budget 73033
and management the amount of debt service paid from the general 73034
revenue fund in the current fiscal year on bonds issued to finance 73035
or assist in the financing of the cost of local subdivision public 73036

infrastructure capital improvement projects, as provided for in 73037
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 73038
that are attributable to costs for construction, reconstruction, 73039
maintenance, or repair of public highways and bridges and other 73040
statutory highway purposes. That certification shall allocate the 73041
total amount of debt service paid from the general revenue fund 73042
and attributable to those costs in the current fiscal year 73043
according to the applicable section of the Ohio Constitution under 73044
which the bonds were originally issued. 73045

(3) On or before the thirtieth day of June of each fiscal 73046
year beginning with fiscal year 2015, the director of budget and 73047
management shall determine an amount up to but not exceeding the 73048
amount certified under division (F)(2) of this section and shall 73049
reserve that amount from the cash balance in the petroleum 73050
activity tax public highways fund or the commercial activity tax 73051
motor fuel receipts fund for transfer to the general revenue fund 73052
at times and in amounts to be determined by the director. The 73053
director shall transfer the cash balance in the petroleum activity 73054
tax public highways fund or the commercial activity tax motor fuel 73055
receipts fund in excess of the amount so reserved to the highway 73056
operating fund on or before the thirtieth day of June of the 73057
current fiscal year. 73058

Sec. 5751.98. (A) To provide a uniform procedure for 73059
calculating the amount of tax due under this chapter, a taxpayer 73060
shall claim any credits to which it is entitled in the following 73061
order: 73062

(1) The nonrefundable jobs retention credit under division 73063
(B) of section 5751.50 of the Revised Code; 73064

(2) The nonrefundable credit for qualified research expenses 73065
under division (B) of section 5751.51 of the Revised Code; 73066

(3) The nonrefundable credit for a borrower's qualified 73067

research and development loan payments under division (B) of 73068
section 5751.52 of the Revised Code; 73069

(4) The nonrefundable credit for calendar years 2010 to 2029 73070
for unused net operating losses under division (B) of section 73071
5751.53 of the Revised Code; 73072

(5) The refundable motion picture and Broadway theatrical 73073
production credit under section 5751.54 of the Revised Code; 73074

(6) The refundable jobs creation credit or job retention 73075
credit under division (A) of section 5751.50 of the Revised Code; 73076

(7) The refundable credit for calendar year 2030 for unused 73077
net operating losses under division (C) of section 5751.53 of the 73078
Revised Code. 73079

(B) For any credit except the refundable credits enumerated 73080
in this section, the amount of the credit for a tax period shall 73081
not exceed the tax due after allowing for any other credit that 73082
precedes it in the order required under this section. Any excess 73083
amount of a particular credit may be carried forward if authorized 73084
under the section creating the credit. 73085

Sec. 5902.09. (A) As used in this section, "AMVETS" means the 73086
American Veterans of World War II (AMVETS), Department of Ohio. 73087
73088

(B) The directors of veterans services and mental health and 73089
addiction services shall establish a pilot program to make 73090
transcranial magnetic stimulation available for veterans with 73091
substance use disorders or mental illness, and shall operate the 73092
program for three years. The program shall be operated in 73093
conjunction with AMVETS pursuant to division (C) of this section. 73094

(C) The directors by mutual agreement shall contract with 73095
AMVETS for services related to the pilot program. The contract 73096
shall include provisions requiring AMVETS to create, implement, 73097

operate, and evaluate outcomes of the pilot program, to choose a location for the pilot program, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the pilot program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs.

(D) There is the transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The directors may authorize disbursements from the fund to AMVETS for services rendered under the contract.

(E) One or both of the directors shall adopt rules under Chapter 119. of the Revised Code as necessary to administer this section, including a rule requiring that clinical protocols and outcomes are collected and reported quarterly in a report provided by AMVETS. The report shall also include a thorough accounting of the use and expenditure of all funds received from the state under this section.

(F) Contracts entered into under this section are not subject to competitive bidding requirements.

Sec. 5910.01. As used in this chapter and section 5919.34 of the Revised Code:

(A) "Child" includes natural and adopted children and stepchildren who have not been legally adopted by the veteran parent provided that the relationship between the stepchild and the veteran parent meets the following criteria:

(1) The veteran parent is married to the child's natural or adoptive parent at the time application for a scholarship granted under this chapter is made; or if the veteran parent is deceased, the child's natural or adoptive parent was married to the veteran parent at the time of the veteran parent's death;

(2) The child resided with the veteran parent for a period of 73128
not less than ten consecutive years immediately prior to making 73129
application for the scholarship; or if the veteran parent is 73130
deceased, the child resided with the veteran parent for a period 73131
of not less than ten consecutive years immediately prior to the 73132
veteran parent's death; 73133

(3) The child received financial support from the veteran 73134
parent for a period of not less than ten consecutive years 73135
immediately prior to making application for the scholarship; or if 73136
the veteran parent is deceased, the child received financial 73137
support from the veteran parent for a period of not less than ten 73138
consecutive years immediately prior to the veteran parent's death. 73139

(B) "Veteran" includes any of the following: 73140

(1) Any person who was a member of the armed services of the 73141
United States for a period of ninety days or more, or who was 73142
discharged from the armed services due to a disability incurred 73143
while a member with less than ninety days' service, or who died 73144
while a member of the armed services; provided that such service, 73145
disability, or death occurred during one of the following periods: 73146
April 6, 1917, to November 11, 1918; December 7, 1941, to December 73147
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 73148
May 7, 1975; August 2, 1990, to the end of operations conducted as 73149
a result of the invasion of Kuwait by Iraq, including support for 73150
operation desert shield and operation desert storm, as declared by 73151
the president of the United States or the congress; October 7, 73152
2001, to the end of operation enduring freedom as declared by the 73153
president of the United States or the congress; March 20, 2003, to 73154
the end of operation Iraqi freedom as declared by the president of 73155
the United States or the congress; or any other period of conflict 73156
established by the United States department of veterans affairs 73157
for pension purposes; 73158

(2) Any person who was a member of the armed services of the 73159

United States and participated in an operation for which the armed 73160
forces expeditionary medal was awarded; 73161

(3) Any person who served as a member of the United States 73162
merchant marine and to whom either of the following applies: 73163

(a) The person has an honorable report of separation from the 73164
active duty military service, form DD214 or DD215. 73165

(b) The person served in the United States merchant marine 73166
between December 7, 1941, and December 31, 1946, and died on 73167
active duty while serving in a war zone during that period of 73168
service. 73169

(C) "Armed services of the United States" or "United States 73170
armed forces" includes the army, air force, navy, marine corps, 73171
coast guard, and such other military service branch as may be 73172
designated by congress as a part of the armed forces of the United 73173
States. 73174

(D) "Board" means the Ohio war orphans and severely disabled 73175
veterans' children scholarship board created by section 5910.02 of 73176
the Revised Code. 73177

(E) "Disabled" means having a sixty per cent or greater 73178
service-connected disability or receiving benefits for permanent 73179
and total nonservice-connected disability, as determined by the 73180
United States department of veterans affairs. 73181

(F) "United States merchant marine" includes the United 73182
States army transport service and the United States naval 73183
transport service. 73184

Sec. 5910.02. There is hereby created an Ohio war orphans and 73185
severely disabled veterans' children scholarship board as part of 73186
the department of veterans services. The board consists of eight 73187
members as follows: the chancellor of ~~the Ohio board of regents~~ 73188
higher education or the chancellor's designee; the director of 73189

veterans services or the director's designee; one member of the 73190
house of representatives, appointed by the speaker; one member of 73191
the senate, appointed by the president of the senate; and four 73192
members appointed by the governor, one of whom shall be a 73193
representative of the American Legion, one of whom shall be a 73194
representative of the Veterans of Foreign Wars, one of whom shall 73195
be a representative of the Disabled American Veterans, and one of 73196
whom shall be a representative of the AMVETS. At least ninety days 73197
prior to the expiration of the term of office of the 73198
representative of a veterans organization appointed by the 73199
governor, the governor shall notify the state headquarters of the 73200
affected organization of the need for an appointment and request 73201
the organization to make at least three nominations. Within sixty 73202
days after making the request for nominations, the governor may 73203
make the appointment from the nominations received, or may reject 73204
all the nominations and request at least three new nominations, 73205
from which the governor shall make an appointment within thirty 73206
days after making the request for the new nominations. If the 73207
governor receives no nominations during this thirty-day period, 73208
the governor may appoint any veteran. 73209

Terms of office for the four members appointed by the 73210
governor shall be for four years, commencing on the first day of 73211
January and ending on the thirty-first day of December, except 73212
that the term of the AMVETS representative shall expire December 73213
31, 1998, and the new term that succeeds it shall commence on 73214
January 1, 1999, and end on December 31, 2002. Each member shall 73215
hold office from the date of the member's appointment until the 73216
end of the term for which the member was appointed. The other 73217
members shall serve during their terms of office. Any vacancy 73218
shall be filled by appointment in the same manner as by original 73219
appointment. Any member appointed to fill a vacancy occurring 73220
prior to the expiration of the term for which the member's 73221
predecessor was appointed shall hold office for the remainder of 73222

such term. Any appointed member shall continue in office 73223
subsequent to the expiration date of the member's term until the 73224
member's successor takes office, or until a period of sixty days 73225
has elapsed, whichever occurs first. The members of the board 73226
shall serve without pay but shall be reimbursed for travel 73227
expenses and for other actual and necessary expenses incurred in 73228
the performance of their duties, not to exceed ten dollars per day 73229
for ten days in any one year to be appropriated out of any moneys 73230
in the state treasury to the credit of the general revenue fund. 73231

The chancellor ~~of the board of regents~~ shall act as secretary 73232
to the board and shall furnish such clerical and other assistance 73233
as may be necessary to the performance of the duties of the board. 73234

The board shall determine the number of scholarships to be 73235
made available, receive applications for scholarships, pass upon 73236
the eligibility of applicants, decide which applicants are to 73237
receive scholarships, and do all other things necessary for the 73238
proper administration of this chapter. 73239

The board may apply for, and may receive and accept, grants, 73240
and may receive and accept gifts, bequests, and contributions, 73241
from public and private sources, including agencies and 73242
instrumentalities of the United States and this state, and shall 73243
deposit the grants, gifts, bequests, or contributions into the 73244
Ohio war orphans and severely disabled veterans' children 73245
scholarship donation fund. 73246

Sec. 5910.031. War orphans¹ and severely disabled veterans' 73247
children scholarships provided in sections 5910.01 to 5910.06 of 73248
the Revised Code, shall be granted to children of members of the 73249
Ohio national guard and the reserve components of any of the armed 73250
services of the United States who are killed or permanently and 73251
totally disabled while on active duty pursuant to bona fide orders 73252
of the governor or the president of the United States, or who are 73253

killed or permanently and totally disabled while at a scheduled 73254
training assembly, a field training period of any duration or 73255
length, or active duty for training, pursuant to bona fide orders 73256
issued by a competent authority. Such scholarships shall be 73257
granted within the total number of scholarships provided under 73258
section 5910.05 of the Revised Code and are available only to 73259
children who further qualify pursuant to divisions (A), (B), and 73260
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 73261

As used in this section, "permanently and totally disabled" 73262
means having a disability which renders the person incapable of 73263
engaging in substantially gainful employment and which is presumed 73264
to be permanent, as determined by a special board of three 73265
officers of the Ohio national guard named by the governor, one of 73266
whom shall be a medical officer licensed to practice in this 73267
state. 73268

Sec. 5910.032. (A) A war orphans and severely disabled 73269
veterans' children scholarship, as provided under sections 5910.01 73270
to 5910.06 of the Revised Code, shall be granted to the child of 73271
any person who, in the course of honorable service in the armed 73272
services of the United States, was declared by the United States 73273
department of defense to be a prisoner of war or missing in action 73274
as a result of the United States' participation in armed conflict 73275
on or after January 1, 1960, if either of the following apply: 73276

(1) The parent, at the time of entry into the armed services 73277
of the United States, or at the time the parent was declared to be 73278
a prisoner of war or missing in action, was a resident of Ohio; 73279

(2) If the parent did not enter the armed services as a 73280
resident of Ohio and was not a resident of Ohio when declared a 73281
prisoner of war or missing in action, the child has resided in 73282
Ohio for the year immediately preceding the year in which the 73283
application for the scholarship is made and any four of the last 73284

ten years. 73285

The scholarships shall be in addition to the total number of 73286
scholarships provided under section 5910.05 of the Revised Code. 73287
Notwithstanding section 5910.03 of the Revised Code, scholarships 73288
provided under this section shall be made to any such child who, 73289
at the time of application, has attained the sixteenth, but not 73290
the twenty-first, birthday. The termination of a child's parent or 73291
guardian's status as a prisoner of war or being missing in action 73292
does not affect such child's eligibility for the benefit provided 73293
by this section. 73294

(B) Scholarships provided under this section shall consist of 73295
either of the following: 73296

(1) A scholarship of the type described in division (A) of 73297
section 5910.04 of the Revised Code together with reasonable and 73298
necessary expenses for room, board, books, and laboratory fees. 73299
The additional amount for such expenses shall be paid from moneys 73300
appropriated by the general assembly for such purpose. 73301

(2) A scholarship of the type described in division (B) of 73302
section 5910.04 of the Revised Code together with an additional 73303
grant equal to the average value of the reasonable and necessary 73304
expenses granted under division (B)(1) of this section during the 73305
preceding year for room, board, books, and laboratory fees. The 73306
additional grant shall be paid from moneys appropriated by the 73307
general assembly for such purpose, and shall be paid to the child 73308
through the institution in which the child is enrolled. In no case 73309
shall the additional grant exceed the amount actually expended by 73310
the child for room, board, books, and laboratory fees. 73311

Sec. 5910.04. Scholarships granted under sections 5910.01 to 73312
5910.06 of the Revised Code shall consist of either of the 73313
following: 73314

(A) An exemption from the payment of one hundred per cent of 73315
the general and instructional fees at colleges and universities 73316
which receive support from the state of Ohio and are approved by 73317
the chancellor of ~~the board of regents~~ higher education, except 73318
that the percentage may be reduced by the war orphans and severely 73319
disabled veterans' children scholarship board in any year that 73320
insufficient funds are appropriated to fully fund scholarships for 73321
all eligible students; 73322

(B) A grant to an eligible child who is enrolled in an 73323
institution that has received a certificate of authorization ~~from~~ 73324
~~the board of regents~~ under Chapter 1713. of the Revised Code, or a 73325
private institution exempt from regulation under Chapter 3332. of 73326
the Revised Code as prescribed in section 3333.046 of the Revised 73327
Code, or an institution that has received a certificate of 73328
registration from the state board of ~~proprietary school~~ 73329
~~registration~~ career colleges and schools. Students who attend an 73330
institution that holds a certificate of registration shall be 73331
enrolled in either a program leading to an associate degree or a 73332
program leading to a bachelor's degree for which associate or 73333
bachelor's degree program the institution has received program 73334
authorization issued under section 3332.05 of the Revised Code to 73335
offer such degree program. The grant shall be paid to the child 73336
through the institution in which the child is enrolled, and shall 73337
equal one hundred per cent of the average value of all 73338
scholarships granted under division (A) of this section during the 73339
preceding year, except that the percentage may be reduced by the 73340
war orphans and severely disabled veterans' children scholarship 73341
board in any year that insufficient funds are appropriated to 73342
fully fund scholarships for all eligible students. In no case 73343
shall the grant exceed the total general and instructional charges 73344
of the institution. 73345

The board shall not reduce the percentage to be paid for 73346

scholarships awarded pursuant to section 5910.032 of the Revised Code below one hundred per cent. 73347
73348

Sec. 5910.05. The Ohio war orphans and severely disabled veterans' children scholarship board shall determine how many scholarships are to be granted based upon available funds provided by the Ohio general assembly. If funds are available all eligible applicants shall be granted a scholarship. There shall be no limitation on the number of scholarships granted under section 5910.032 of the Revised Code, nor any limitation on the number of scholarships granted to any college or university under such section. No person shall be granted a scholarship for more than five academic years of education, which shall be at the undergraduate level. The board shall provide minimum scholastic requirements for recipients and shall withdraw the aid from any person who fails to maintain such requirements. 73349
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Sec. 5910.06. The Ohio war orphans and severely disabled veterans' children scholarship board shall make a complete report of its administration of this chapter, to each first regular session of the general assembly. 73362
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73365

Sec. 5910.07. The Ohio war orphans and severely disabled veterans' children scholarship donation fund is created in the state treasury. The fund shall consist of gifts, bequests, grants, and contributions made to the fund under section 5910.02 of the Revised Code. Investment earnings of the fund shall be deposited into the fund. The fund shall be used to operate the war orphans and severely disabled veterans' children scholarship program and to provide grants under sections 5910.01 to 5910.06 of the Revised Code. 73366
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Sec. 5910.08. There is hereby created in the state treasury 73375

the war orphans and severely disabled veterans' children 73376
scholarship reserve fund. As soon as possible following the end of 73377
each fiscal year, the chancellor of higher education shall certify 73378
to the director of budget and management the unencumbered balance 73379
of the general revenue fund appropriations made in the immediately 73380
preceding fiscal year for purposes of the war orphans and severely 73381
disabled veterans' children scholarship program created in Chapter 73382
5910. of the Revised Code. Upon receipt of the certification, the 73383
director of budget and management may transfer an amount not 73384
exceeding the certified amount from the general revenue fund to 73385
the war orphans and severely disabled veterans' children 73386
scholarship reserve fund. Moneys in the war orphans and severely 73387
disabled veterans' children scholarship reserve fund shall be used 73388
to pay scholarship obligations in excess of the general revenue 73389
fund appropriations made for that purpose. 73390

The director of budget and management may transfer any 73391
unencumbered balance from the war orphans and severely disabled 73392
veterans' children scholarship reserve fund to the general revenue 73393
fund. 73394

If it is determined that general revenue fund appropriations 73395
are insufficient to meet the obligations of the war orphans and 73396
severely disabled veterans' children scholarship in a fiscal year, 73397
the director of budget and management may transfer funds from the 73398
war orphans and severely disabled veterans' children scholarship 73399
reserve fund to the general revenue fund in order to meet those 73400
obligations. The amount transferred is hereby appropriated. If the 73401
funds transferred from the war orphans and severely disabled 73402
veterans' children scholarship reserve fund are not needed, the 73403
director of budget and management may transfer the unexpended 73404
balance from the general revenue fund back to the war orphans and 73405
severely disabled veterans' children scholarship reserve fund. 73406

Sec. 5919.34. (A) As used in this section:	73407
(1) "Academic term" means any one of the following:	73408
(a) Fall term, which consists of fall semester or fall quarter, as appropriate;	73409 73410
(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;	73411 73412
(c) Spring term, which consists of spring quarter;	73413
(d) Summer term, which consists of summer semester or summer quarter, as appropriate.	73414 73415
(2) "Eligible applicant" means any individual to whom all of the following apply:	73416 73417
(a) The individual does not possess a baccalaureate degree.	73418
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	73419 73420 73421
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	73422 73423 73424 73425 73426 73427 73428
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	73429 73430
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university	73431 73432 73433 73434 73435

branch established under Chapter 3355. of the Revised Code, or 73436
technical college established under Chapter 3357. of the Revised 73437
Code. 73438

(4) "Private institution of higher education" means an Ohio 73439
institution of higher education that is nonprofit and has received 73440
a certificate of authorization pursuant to Chapter 1713. of the 73441
Revised Code, that is a private institution exempt from regulation 73442
under Chapter 3332. of the Revised Code as prescribed in section 73443
3333.046 of the Revised Code, or that holds a certificate of 73444
registration and program authorization issued by the state board 73445
of career colleges and schools pursuant to section 3332.05 of the 73446
Revised Code. 73447

(5) "Tuition" means the charges imposed to attend an 73448
institution of higher education and includes general and 73449
instructional fees. "Tuition" does not include laboratory fees, 73450
room and board, or other similar fees and charges. 73451

(B) There is hereby created a scholarship program to be known 73452
as the Ohio national guard scholarship program. 73453

(C)(1) The adjutant general shall approve scholarships for 73454
all eligible applicants. The adjutant general shall process all 73455
applications for scholarships for each academic term in the order 73456
in which they are received. The scholarships shall be made without 73457
regard to financial need. At no time shall one person be placed in 73458
priority over another because of sex, race, or religion. 73459

(2) The adjutant general shall develop and provide a written 73460
explanation that informs all eligible scholarship recipients that 73461
the recipient may become ineligible and liable for repayment for 73462
an amount of scholarship payments received in accordance with 73463
division (G) of this section. The written explanation shall be 73464
reviewed by the scholarship recipient before acceptance of the 73465
scholarship and before acceptance of an enlistment, warrant, 73466

commission, or appointment for a term not less than the 73467
recipient's remaining term in the national guard or in the active 73468
duty component of the United States armed forces. 73469

(D)(1) Except as provided in divisions (I) and (J) of this 73470
section, for each academic term that an eligible applicant is 73471
approved for a scholarship under this section and either remains a 73472
current member in good standing of the Ohio national guard or is 73473
eligible for a scholarship under division (F)(1) of this section, 73474
the institution of higher education in which the applicant is 73475
enrolled shall, if the applicant's enlistment obligation extends 73476
beyond the end of that academic term or if division (F)(1) of this 73477
section applies, be paid on the applicant's behalf the applicable 73478
one of the following amounts: 73479

(a) If the institution is a state institution of higher 73480
education, an amount equal to one hundred per cent of the 73481
institution's tuition charges; 73482

(b) If the institution is a nonprofit private institution or 73483
a private institution exempt from regulation under Chapter 3332. 73484
of the Revised Code as prescribed in section 3333.046 of the 73485
Revised Code, an amount equal to one hundred per cent of the 73486
average tuition charges of all state universities; 73487

(c) If the institution is an institution that holds a 73488
certificate of registration from the state board of career 73489
colleges and schools, the lesser of the following: 73490

(i) An amount equal to one hundred per cent of the 73491
institution's tuition; 73492

(ii) An amount equal to one hundred per cent of the average 73493
tuition charges of all state universities, as that term is defined 73494
in section 3345.011 of the Revised Code. 73495

(2) The adjutant general and the chancellor of higher 73496
education may jointly adopt rules to require the use of other 73497

federal educational financial assistance programs, including such 73498
programs offered by the United States department of defense, for 73499
which an applicant is eligible based on the applicant's military 73500
service. If such rules are adopted, the rules shall require that 73501
financial assistance received by a scholarship recipient under 73502
those programs be applied to all eligible expenses prior to the 73503
use of scholarship funds awarded under this section. Scholarship 73504
funds awarded under this section shall then be applied to the 73505
recipient's remaining eligible expenses. 73506

(3) An eligible applicant's scholarship shall not be reduced 73507
by the amount of that applicant's benefits under "the Montgomery 73508
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 73509

(E) A scholarship recipient under this section shall be 73510
entitled to receive scholarships under this section for the number 73511
of quarters or semesters it takes the recipient to accumulate 73512
ninety-six eligibility units as determined under divisions (E)(1) 73513
to (3) of this section. 73514

(1) To determine the maximum number of semesters or quarters 73515
for which a recipient is entitled to a scholarship under this 73516
section, the adjutant general shall convert a recipient's credit 73517
hours of enrollment for each academic term into eligibility units 73518
in accordance with the following table: 73519

		The			
Number of		following	The following		
		number of	number of	eligibility	
credit hours		eligibility	units if a	units if a	
of enrollment		units if a	semester	or	quarter
in an academic		semester			
term	equals	semester	or	quarter	
12 or more hours		12 units		8 units	
9 but less than 12		9 units		6 units	
6 but less than 9		6 units		4 units	

individual was called into active duty, the institution of higher 73562
education shall grant the individual a leave of absence from the 73563
individual's education program and shall not impose any academic 73564
penalty for such withdrawal or failure to complete courses. 73565
Division (F)(2) of this section applies regardless of whether or 73566
not the scholarship amount was paid to the institution of higher 73567
education. 73568

(3) If an individual to whom this division applies withdraws 73569
or otherwise fails to complete courses because the individual was 73570
called into active duty, and if scholarships for those courses 73571
have already been paid, either: 73572

(a) The adjutant general shall not add to that person's 73573
accumulated eligibility units calculated under division (E) of 73574
this section the number of eligibility units for the academic 73575
courses or term for which the scholarship was paid and the 73576
institution of higher education shall repay the scholarship amount 73577
to the state. 73578

(b) The adjutant general shall add to that individual's 73579
accumulated eligibility units calculated under division (E) of 73580
this section the number of eligibility units for the academic 73581
courses or term for which the scholarship was paid if the 73582
institution of higher education agrees to permit the individual to 73583
complete the remainder of the academic courses in which the 73584
individual was enrolled at the time the individual was called into 73585
active duty. 73586

(4) No individual who is discharged from the Ohio national 73587
guard under other than honorable conditions shall be eligible for 73588
scholarships under this division. 73589

(G) A scholarship recipient under this section who fails to 73590
complete the term of enlistment, re-enlistment, or extension of 73591
current enlistment the recipient was serving at the time a 73592

scholarship was paid on behalf of the recipient under this section 73593
is liable to the state for repayment of a percentage of all Ohio 73594
national guard scholarships paid on behalf of the recipient under 73595
this section, plus interest at the rate of ten per cent per annum 73596
calculated from the dates the scholarships were paid. This 73597
percentage shall equal the percentage of the current term of 73598
enlistment, re-enlistment, or extension of enlistment a recipient 73599
has not completed as of the date the recipient is discharged from 73600
the Ohio national guard. 73601

The attorney general may commence a civil action on behalf of 73602
the chancellor to recover the amount of the scholarships and the 73603
interest provided for in this division and the expenses incurred 73604
in prosecuting the action, including court costs and reasonable 73605
attorney's fees. A scholarship recipient is not liable under this 73606
division if the recipient's failure to complete the term of 73607
enlistment being served at the time a scholarship was paid on 73608
behalf of the recipient under this section is due to the 73609
recipient's death or discharge from the national guard due to 73610
disability ~~or the recipient's enlistment, warrant, commission, or~~ 73611
~~appointment for a term not less than the recipient's remaining~~ 73612
~~term in the national guard or in the active duty component of the~~ 73613
~~United States armed forces.~~ 73614

(H) On or before the first day of each academic term, the 73615
adjutant general shall provide an eligibility roster to the 73616
chancellor and to each institution of higher education at which 73617
one or more scholarship recipients have applied for enrollment. 73618
The institution shall use the roster to certify the actual 73619
full-time or part-time enrollment of each scholarship recipient 73620
listed as enrolled at the institution and return the roster to the 73621
adjutant general and the chancellor. Except as provided in 73622
division (J) of this section, the chancellor shall provide for 73623
payment of the appropriate number and amount of scholarships to 73624

each institution of higher education pursuant to division (D) of 73625
this section. If an institution of higher education fails to 73626
certify the actual enrollment of a scholarship recipient listed as 73627
enrolled at the institution within thirty days of the end of an 73628
academic term, the institution shall not be eligible to receive 73629
payment from the Ohio national guard scholarship program or from 73630
the individual enrollee. The adjutant general shall report on a 73631
semiannual basis to the director of budget and management, the 73632
speaker of the house of representatives, the president of the 73633
senate, and the chancellor the number of Ohio national guard 73634
scholarship recipients, the size of the scholarship-eligible 73635
population, and a projection of the cost of the program for the 73636
remainder of the biennium. 73637

(I) The chancellor and the adjutant general may adopt rules 73638
pursuant to Chapter 119. of the Revised Code governing the 73639
administration and fiscal management of the Ohio national guard 73640
scholarship program and the procedure by which the chancellor and 73641
the department of the adjutant general may modify the amount of 73642
scholarships a member receives based on the amount of other state 73643
financial aid a member receives. 73644

(J) The adjutant general, the chancellor, and the director, 73645
or their designees, shall jointly estimate the costs of the Ohio 73646
national guard scholarship program for each upcoming fiscal 73647
biennium, and shall report that estimate prior to the beginning of 73648
the fiscal biennium to the chairpersons of the finance committees 73649
in the general assembly. During each fiscal year of the biennium, 73650
the adjutant general, the chancellor, and the director, or their 73651
designees, shall meet regularly to monitor the actual costs of the 73652
Ohio national guard scholarship program and update cost 73653
projections for the remainder of the biennium as necessary. If the 73654
amounts appropriated for the Ohio national guard scholarship 73655
program and any funds in the Ohio national guard scholarship 73656

reserve fund and the Ohio national guard scholarship donation fund 73657
are not adequate to provide scholarships in the amounts specified 73658
in division (D)(1) of this section for all eligible applicants, 73659
the chancellor shall do all of the following: 73660

(1) Notify each private institution of higher education, 73661
where a scholarship recipient is enrolled, that, by accepting the 73662
Ohio national guard scholarship program as payment for all or part 73663
of the institution's tuition, the institution agrees that if the 73664
chancellor reduces the amount of each scholarship, the institution 73665
shall provide each scholarship recipient a grant or tuition waiver 73666
in an amount equal to the amount the recipient's scholarship was 73667
reduced by the chancellor. 73668

(2) Reduce the amount of each scholarship under division 73669
(D)(1)(a) of this section proportionally based on the amount of 73670
remaining available funds. Each state institution of higher 73671
education shall provide each scholarship recipient under division 73672
(D)(1)(a) of this section a grant or tuition waiver in an amount 73673
equal to the amount the recipient's scholarship was reduced by the 73674
chancellor. 73675

(K) Notwithstanding division (A) of section 127.14 of the 73676
Revised Code, the controlling board shall not transfer all or part 73677
of any appropriation for the Ohio national guard scholarship 73678
program. 73679

(L) The chancellor and the adjutant general may apply for, 73680
and may receive and accept grants, and may receive and accept 73681
gifts, bequests, and contributions, from public and private 73682
sources, including agencies and instrumentalities of the United 73683
States and this state, and shall deposit the grants, gifts, 73684
bequests, or contributions into the national guard scholarship 73685
donation fund. 73686

Sec. 5922.01. The governor shall organize and maintain within 73687

this state, on a reserve basis, civilian cyber security reserve 73688
forces capable of being expanded and trained to educate and 73689
protect state, county, and local government entities, critical 73690
infrastructure, including election systems, businesses, and 73691
citizens of this state from cyber attacks. In the case of an 73692
emergency proclaimed by the governor, or caused by illicit actors 73693
or imminent danger, the governor, as commander-in-chief, shall 73694
expand the reserve as the exigency of the occasion requires. 73695

The reserve shall be a part of the Ohio organized militia 73696
under the adjutant general's department. The reserve shall be 73697
known as the Ohio cyber reserve. The adjutant general shall 73698
establish and may revise, in accordance with section 5923.12 of 73699
the Revised Code, the rates of pay for reserve members when called 73700
to state active duty. While performing any drill or training, 73701
reserve members shall serve in an unpaid volunteer status. When 73702
called to state active duty by the governor, reserve members shall 73703
function as civilian members of the Ohio organized militia. 73704

Sec. 5922.02. The governor may adopt rules consistent with 73705
the provisions of law governing the membership, organization, 73706
administration, equipment, and maintenance of the Ohio cyber 73707
reserve. A copy of the rules shall be available to the public in 73708
the adjutant general's office. 73709

Sec. 5922.03. The governor may requisition from the United 73710
States department of defense, for the use of the Ohio cyber 73711
reserve, equipment that may be in the possession and can be 73712
furnished by the department, and make available to the reserve the 73713
facilities of state armories and equipment and other state 73714
premises and property that may be available. 73715

Sec. 5922.04. Sections 5922.02 to 5922.08 of the Revised Code 73716

do not authorize the Ohio cyber reserve, or any part thereof, to 73717
be called or ordered into the military service of the United 73718
States. The reserve may become a civilian component of the Ohio 73719
national guard. 73720

Sec. 5922.05. No person shall be accepted into the Ohio cyber 73721
reserve who is not a United States national or a lawful permanent 73722
resident, or who has been expelled or dishonorably discharged from 73723
the armed forces as defined in section 5903.01 of the Revised 73724
Code. Applicants shall be subject to an appropriate background 73725
check, in accordance with rules adopted by the governor and 73726
adjutant general, before admittance into the reserve. 73727

Notwithstanding any other provision of the Revised Code, no 73728
person shall be disqualified from acceptance into the Ohio cyber 73729
reserve on the basis that the person is an employee of the state 73730
or a political subdivision of the state, or an employee or 73731
proprietor of a private entity that conducts business with the 73732
state or a political subdivision of the state. 73733

Sec. 5922.06. Whenever the Ohio cyber reserve, or any part 73734
thereof, is ordered out for active service by the governor, the 73735
Ohio code of military justice shall be in full force with respect 73736
to those forces. 73737

Sec. 5922.07. The governor may accept the resignation of any 73738
Ohio cyber reserve member at any time. Reserve members serve at 73739
the pleasure of the governor and may be removed from the reserve 73740
in accordance with rules adopted under section 5922.02 of the 73741
Revised Code. 73742

The governor may require reimbursement for training, 73743
equipment, and uniforms if an Ohio cyber reserve member does not 73744
serve the full term of the member's membership agreement and the 73745

inability to serve out the term of the membership agreement was 73746
not due to disability or a similar disabling medical condition. 73747

Sec. 5922.08. The governor, as commander-in-chief of the Ohio 73748
organized militia, may order individuals or units of the Ohio 73749
cyber reserve to state active duty to protect state, county, and 73750
local government entities and critical infrastructure, including 73751
election systems, or for training as the governor determines 73752
necessary. The governor, upon the request of a business or 73753
citizen, also may order individuals or units of the Ohio cyber 73754
reserve to state active duty to protect that business or citizen. 73755

When ordered by the governor to perform duty or training 73756
under this section or section 5923.21 of the Revised Code, members 73757
of the Ohio cyber reserve shall have the same protections afforded 73758
by the "Servicemembers Civil Relief Act," Pub. L. No. 108-189, 50 73759
U.S.C. 3901-4043, and by the "Uniformed Services Employment and 73760
Reemployment Rights Act," 108 Stat. 3149, 38 U.S.C. 4301-4333. 73761

Sec. 5923.01. (A) The Ohio organized militia consists of all 73762
citizens of the state who are not permanently handicapped, as 73763
handicapped is defined in section 4112.01 of the Revised Code, who 73764
are more than seventeen years, and not more than sixty seven 73765
years, of age unless exempted as provided in section 5923.02 of 73766
the Revised Code, and persons who are members of one of the 73767
following: 73768

- (1) The Ohio national guard; 73769
- (2) The Ohio naval militia; 73770
- (3) The Ohio military reserve; 73771
- (4) The Ohio cyber reserve. 73772

(B) The Ohio national guard, including both the Ohio air 73773
national guard and the Ohio army national guard, the Ohio naval 73774

militia, ~~and~~ the Ohio military reserve, and the Ohio cyber reserve 73775
are known collectively as the Ohio organized militia. 73776

(C) The Ohio naval militia and the Ohio military reserve are 73777
known collectively as the state defense forces. 73778

(D) The unorganized militia consists of ~~those~~ all citizens of 73779
the state ~~as described in division (A) of this section who~~ to whom 73780
all of the following apply: 73781

(1) They are not members of the Ohio organized militia; 73782

(2) They are more than seventeen years of age and not more 73783
than sixty-seven years of age; 73784

(3) They are not exempt from service under section 5923.02 of 73785
the Revised Code. 73786

(E) No troops shall be maintained in time of peace other than 73787
as authorized and prescribed under the "Act of August 10, 1956," 73788
70A Stat. 596, 32 U.S.C.A. 101 to 716. This limitation does not 73789
affect the right of the state to the use of its organized militia 73790
within its borders in time of peace as prescribed by the laws of 73791
this state. This section does not prevent the organization and 73792
maintenance of police. 73793

Sec. 5923.02. ~~(A)~~ The following persons, if subject to duty 73794
in the Ohio organized or unorganized militia, may be exempted by 73795
the adjutant general from duty on request: 73796

~~(1)~~(A) The vice-president of the United States; 73797

~~(2)~~(B) The officers, judicial and executive, of the 73798
departments of the state and of the United States, and the members 73799
of the general assembly, without regard to age; 73800

~~(3)~~(C) Members of the armed forces of the United States or 73801
their reserve components; 73802

~~(4)~~(D) Customhouse clerks; 73803

(5) (E) Employees of the United States postal service;	73804
(6) (F) Workers employed in armories, arsenals, or naval shipyards of the United States;	73805 73806
(7) (G) Pilots on the navigable waters of the United States;	73807
(8) (H) Mariners licensed by the United States-;	73808
(B) (I) Any person <u>who claims exemption from service</u> because of religious belief or other moral conviction held as a matter of conscience may claim exemption from Ohio organized militia service;	73809 73810 73811 73812
<u>(J) Any person who is unable to serve because of a disability, as that term is defined in section 4112.01 of the Revised Code.</u>	73813 73814 73815
Sec. 5923.03. (A) The Ohio national guard consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio national guard, all as prescribed by publications of the department of the army or air force and the national guard bureau for the national guard as prescribed by Chapter 5919. of the Revised Code.	73816 73817 73818 73819 73820 73821
(B) The Ohio military reserve consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio military reserve as prescribed by Chapter 5920. of Revised Code.	73822 73823 73824 73825
(C) The Ohio naval militia consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio naval militia as prescribed by Chapter 5921. of the Revised Code.	73826 73827 73828 73829
<u>(D) The Ohio cyber reserve consists of the members of the Ohio organized militia who are civilian volunteers under Chapter 5922. of the Revised Code.</u>	73830 73831 73832

Sec. 5923.12. When ordered to state active duty by the 73833
governor, for which duty federal basic pay and allowances are not 73834
authorized, members of the organized militia of Ohio shall receive 73835
the same pay and allowances for each day's service as is provided 73836
for commissioned officers, warrant officers, noncommissioned 73837
officers, and enlisted personnel of like grade and longevity in 73838
the armed forces of the United States, together with the necessary 73839
transportation, housing, and subsistence allowances as prescribed 73840
by the United States department of defense pay manual, or an 73841
amount not less than seventy-five dollars per day as base pay for 73842
each day's duty performed, whichever is greater. 73843

Notwithstanding any other provision of law, Ohio cyber 73844
reserve members shall receive a rate of pay determined and 73845
provided by rule by the adjutant general, in the name of the 73846
governor. The rule shall establish a rate of pay commensurate with 73847
those specified in pay schedules established by the director of 73848
administrative services for information technology employees of 73849
the state who have comparable training, experience, and 73850
professional qualifications. 73851

When ordered by the governor to perform training or duty 73852
under this section or section 5919.29 of the Revised Code, members 73853
of the Ohio national guard shall have the protections afforded to 73854
persons on federal active duty by "The Servicemembers Civil Relief 73855
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 73856

Sec. 5923.37. (A) No member of the organized militia ordered 73857
to state active duty shall be liable in negligence for any act 73858
performed within the scope of ~~his military~~ the member's duties. 73859
Any action alleging that such a militia member's conduct was 73860
outside the scope of ~~his~~ the member's employment, was malicious, 73861
was in bad faith, or was wanton or reckless shall first be filed 73862
against the state in the court of claims under section 2743.02 of 73863

the Revised Code. 73864

(B) Any member of the organized militia rendering medical, 73865
nursing, or dental care, or assisting in rendering such care, 73866
after being ordered to state active duty shall be deemed an 73867
officer or employee of the state under section 109.36 of the 73868
Revised Code. 73869

(C) Any member of the organized militia ordered to state 73870
active duty under section 5923.22 of the ~~revised~~ Revised Code or 73871
ordered to duty under section 5919.29 of the Revised Code who is 73872
qualified to perform on federal active duty under Title 10, United 73873
States Code, in a particular profession, discipline, or skill as a 73874
health care provider shall be exempt from the statutes, 73875
regulations, and licensing requirements otherwise in force under 73876
the laws of this state, with respect to ~~his~~ the member's 73877
profession, specialty, or skill at such times as ~~he~~ the member is 73878
serving in any military status, duly authorized under the laws of 73879
this state or of the United States, or both, and is performing ~~his~~ 73880
the member's profession, specialty, or skill under regulations 73881
prescribed by the executive authority of the United States or of 73882
this state, and is functioning within the scope of ~~his~~ the 73883
member's employment. 73884

Sec. 5924.01. As used in Chapter 5924. of the Revised Code 73885
unless the context otherwise requires: 73886

(A) "Organized militia" means the Ohio national guard, the 73887
Ohio naval militia, ~~and~~ the Ohio military reserve, and the Ohio 73888
cyber reserve. 73889

(B) "Officer" means commissioned or warrant officer. 73890

(C) "Commissioned officer" includes a commissioned warrant 73891
officer. 73892

(D) "Commanding officer" includes only commissioned or 73893

warrant officers in command of a unit.	73894
(E) "Superior commissioned officer" means a commissioned officer superior in rank or command.	73895 73896
(F) "Enlisted member" means a person in an enlisted grade.	73897
(G) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.	73898 73899 73900
(H) "Rank" means the order of precedence among members of the armed forces.	73901 73902
(I) "State active duty" means full-time duty in the active military service of the state under a proclamation of the governor issued pursuant to authority vested in the governor by law, and while going to and returning from such duty.	73903 73904 73905 73906
(J) "Duty status other than state active duty" means any other types of duty and while going to and returning from such duty.	73907 73908 73909
(K) "Military court" means a court-martial, a court of inquiry, or a provost court.	73910 73911
(L) "Military judge" means an official of a general or special court-martial who is a commissioned officer, who has been duly certified to be qualified for duty as a military judge by the state judge advocate, and who has been properly detailed in accordance with section 5924.26 of the Revised Code.	73912 73913 73914 73915 73916
(M) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty.	73917 73918
(N) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command.	73919 73920 73921
(O) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice	73922 73923

in the organized militia. 73924

(P) "Accuser" means a person who reports an offense subject 73925
to trial by court-martial and who signs and swears to charges, any 73926
person who directs that charges nominally be signed and sworn to 73927
by another, or any other person who has an interest other than an 73928
official interest in the prosecution of the accused. 73929

(Q) "Military" refers to any or all of the armed forces. 73930

(R) "Convening authority" includes, in addition to the person 73931
who convened the court, a commissioned officer commanding for the 73932
time being, or a successor in command. 73933

(S) "May" is used in a permissive sense. The words "no person 73934
may" mean that no person is required, authorized, or 73935
permitted to do the act prescribed. 73936

(T) "Shall" is used in an imperative sense. 73937

(U) "Code" means the Ohio code of military justice, as set 73938
forth in Chapter 5924. of the Revised Code. 73939

(V) "Trial counsel" means the prosecuting attorney in a 73940
general or special court-martial. 73941

(W) "Detention facility" means any place that is owned or 73942
operated by a municipal corporation, by a county, or by one or 73943
more municipal corporations, counties, or both and that is used 73944
for the confinement of persons charged with or convicted of any 73945
crime in this state or another state or under the laws of the 73946
United States. 73947

(X) "Examiner" has the same meaning as in division (A)(2)(a) 73948
of section 2945.37 of the Revised Code. 73949

(Y) "Nonsecured status," "unsupervised, off-grounds 73950
movement," "trial visit," "conditional release," and "licensed 73951
clinical psychologist" have the same meanings as in section 73952
2945.37 of the Revised Code. 73953

Sec. 6111.03. The director of environmental protection may do 73954
any of the following: 73955

(A) Develop plans and programs for the prevention, control, 73956
and abatement of new or existing pollution of the waters of the 73957
state; 73958

(B) Advise, consult, and cooperate with other agencies of the 73959
state, the federal government, other states, and interstate 73960
agencies and with affected groups, political subdivisions, and 73961
industries in furtherance of the purposes of this chapter. Before 73962
adopting, amending, or rescinding a standard or rule pursuant to 73963
division (G) of this section or section 6111.041 or 6111.042 of 73964
the Revised Code, the director shall do all of the following: 73965

(1) Mail notice to each statewide organization that the 73966
director determines represents persons who would be affected by 73967
the proposed standard or rule, amendment thereto, or rescission 73968
thereof at least thirty-five days before any public hearing 73969
thereon; 73970

(2) Mail a copy of each proposed standard or rule, amendment 73971
thereto, or rescission thereof to any person who requests a copy, 73972
within five days after receipt of the request therefor; 73973

(3) Consult with appropriate state and local government 73974
agencies or their representatives, including statewide 73975
organizations of local government officials, industrial 73976
representatives, and other interested persons. 73977

Although the director is expected to discharge these duties 73978
diligently, failure to mail any such notice or copy or to so 73979
consult with any person shall not invalidate any proceeding or 73980
action of the director. 73981

(C) Administer grants from the federal government and from 73982
other sources, public or private, for carrying out any of its 73983

functions, all such moneys to be deposited in the state treasury 73984
and kept by the treasurer of state in a separate fund subject to 73985
the lawful orders of the director; 73986

(D) Administer state grants for the construction of sewage 73987
and waste collection and treatment works; 73988

(E) Encourage, participate in, or conduct studies, 73989
investigations, research, and demonstrations relating to water 73990
pollution, and the causes, prevention, control, and abatement 73991
thereof, that are advisable and necessary for the discharge of the 73992
director's duties under this chapter; 73993

(F) Collect and disseminate information relating to water 73994
pollution and prevention, control, and abatement thereof; 73995

(G) Adopt, amend, and rescind rules in accordance with 73996
Chapter 119. of the Revised Code governing the procedure for 73997
hearings, the filing of reports, the issuance of permits, the 73998
issuance of industrial water pollution control certificates, and 73999
all other matters relating to procedure; 74000

(H) Issue, modify, or revoke orders to prevent, control, or 74001
abate water pollution by such means as the following: 74002

(1) Prohibiting or abating discharges of sewage, industrial 74003
waste, or other wastes into the waters of the state; 74004

(2) Requiring the construction of new disposal systems or any 74005
parts thereof, or the modification, extension, or alteration of 74006
existing disposal systems or any parts thereof; 74007

(3) Prohibiting additional connections to or extensions of a 74008
sewerage system when the connections or extensions would result in 74009
an increase in the polluting properties of the effluent from the 74010
system when discharged into any waters of the state; 74011

(4) Requiring compliance with any standard or rule adopted 74012
under sections 6111.01 to 6111.05 of the Revised Code or term or 74013

condition of a permit. 74014

In the making of those orders, wherever compliance with a 74015
rule adopted under section 6111.042 of the Revised Code is not 74016
involved, consistent with the Federal Water Pollution Control Act, 74017
the director shall give consideration to, and base the 74018
determination on, evidence relating to the technical feasibility 74019
and economic reasonableness of complying with those orders and to 74020
evidence relating to conditions calculated to result from 74021
compliance with those orders, and their relation to benefits to 74022
the people of the state to be derived from such compliance in 74023
accomplishing the purposes of this chapter. 74024

(I) Review plans, specifications, or other data relative to 74025
disposal systems or any part thereof in connection with the 74026
issuance of orders, permits, and industrial water pollution 74027
control certificates under this chapter; 74028

(J)(1) Issue, revoke, modify, or deny sludge management 74029
permits and permits for the discharge of sewage, industrial waste, 74030
or other wastes into the waters of the state, and for the 74031
installation or modification of disposal systems or any parts 74032
thereof in compliance with all requirements of the Federal Water 74033
Pollution Control Act and mandatory regulations adopted 74034
thereunder, including regulations adopted under section 405 of the 74035
Federal Water Pollution Control Act, and set terms and conditions 74036
of permits, including schedules of compliance, where necessary. In 74037
issuing permits for sludge management, the director shall not 74038
allow the placement of sewage sludge on frozen ground in conflict 74039
with rules adopted under this chapter. Any person who discharges, 74040
transports, or handles storm water from an animal feeding 74041
facility, as defined in section 903.01 of the Revised Code, or 74042
pollutants from a concentrated animal feeding operation, as both 74043
terms are defined in that section, is not required to obtain a 74044
permit under division (J)(1) of this section for the installation 74045

or modification of a disposal system involving pollutants or storm 74046
water or any parts of such a system on and after the date on which 74047
the director of agriculture has finalized the program required 74048
under division (A)(1) of section 903.02 of the Revised Code. In 74049
addition, any person who discharges, transports, or handles storm 74050
water from an animal feeding facility, as defined in section 74051
903.01 of the Revised Code, or pollutants from a concentrated 74052
animal feeding operation, as both terms are defined in that 74053
section, is not required to obtain a permit under division (J)(1) 74054
of this section for the discharge of storm water from an animal 74055
feeding facility or pollutants from a concentrated animal feeding 74056
operation on and after the date on which the United States 74057
environmental protection agency approves the NPDES program 74058
submitted by the director of agriculture under section 903.08 of 74059
the Revised Code. 74060

Any permit terms and conditions set by the director shall be 74061
designed to achieve and maintain full compliance with the national 74062
effluent limitations, national standards of performance for new 74063
sources, and national toxic and pretreatment effluent standards 74064
set under that act, and any other mandatory requirements of that 74065
act that are imposed by regulation of the administrator of the 74066
United States environmental protection agency. If an applicant for 74067
a sludge management permit also applies for a related permit for 74068
the discharge of sewage, industrial waste, or other wastes into 74069
the waters of the state, the director may combine the two permits 74070
and issue one permit to the applicant. 74071

A sludge management permit is not required for an entity that 74072
treats or transports sewage sludge or for a sanitary landfill when 74073
all of the following apply: 74074

(a) The entity or sanitary landfill does not generate the 74075
sewage sludge. 74076

(b) Prior to receipt at the sanitary landfill, the entity has 74077

ensured that the sewage sludge meets the requirements established 74078
in rules adopted by the director under section 3734.02 of the 74079
Revised Code concerning disposal of municipal solid waste in a 74080
sanitary landfill. 74081

(c) Disposal of the sewage sludge occurs at a sanitary 74082
landfill that complies with rules adopted by the director under 74083
section 3734.02 of the Revised Code. 74084

As used in division (J)(1) of this section, "sanitary 74085
landfill" means a sanitary landfill facility, as defined in rules 74086
adopted under section 3734.02 of the Revised Code, that is 74087
licensed as a solid waste facility under section 3734.05 of the 74088
Revised Code. 74089

(2) An application for a permit or renewal thereof shall be 74090
denied if any of the following applies: 74091

(a) The secretary of the army determines in writing that 74092
anchorage or navigation would be substantially impaired thereby; 74093

(b) The director determines that the proposed discharge or 74094
source would conflict with an areawide waste treatment management 74095
plan adopted in accordance with section 208 of the Federal Water 74096
Pollution Control Act; 74097

(c) The administrator of the United States environmental 74098
protection agency objects in writing to the issuance or renewal of 74099
the permit in accordance with section 402 (d) of the Federal Water 74100
Pollution Control Act; 74101

(d) The application is for the discharge of any radiological, 74102
chemical, or biological warfare agent or high-level radioactive 74103
waste into the waters of the United States. 74104

(3) To achieve and maintain applicable standards of quality 74105
for the waters of the state adopted pursuant to section 6111.041 74106
of the Revised Code, the director shall impose, where necessary 74107

and appropriate, as conditions of each permit, water quality 74108
related effluent limitations in accordance with sections 301, 302, 74109
306, 307, and 405 of the Federal Water Pollution Control Act and, 74110
to the extent consistent with that act, shall give consideration 74111
to, and base the determination on, evidence relating to the 74112
technical feasibility and economic reasonableness of removing the 74113
polluting properties from those wastes and to evidence relating to 74114
conditions calculated to result from that action and their 74115
relation to benefits to the people of the state and to 74116
accomplishment of the purposes of this chapter. 74117

(4) Where a discharge having a thermal component from a 74118
source that is constructed or modified on or after October 18, 74119
1972, meets national or state effluent limitations or more 74120
stringent permit conditions designed to achieve and maintain 74121
compliance with applicable standards of quality for the waters of 74122
the state, which limitations or conditions will ensure protection 74123
and propagation of a balanced, indigenous population of shellfish, 74124
fish, and wildlife in or on the body of water into which the 74125
discharge is made, taking into account the interaction of the 74126
thermal component with sewage, industrial waste, or other wastes, 74127
the director shall not impose any more stringent limitation on the 74128
thermal component of the discharge, as a condition of a permit or 74129
renewal thereof for the discharge, during a ten-year period 74130
beginning on the date of completion of the construction or 74131
modification of the source, or during the period of depreciation 74132
or amortization of the source for the purpose of section 167 or 74133
169 of the Internal Revenue Code of 1954, whichever period ends 74134
first. 74135

(5) The director shall specify in permits for the discharge 74136
of sewage, industrial waste, and other wastes, the net volume, net 74137
weight, duration, frequency, and, where necessary, concentration 74138
of the sewage, industrial waste, and other wastes that may be 74139

discharged into the waters of the state. The director shall 74140
specify in those permits and in sludge management permits that the 74141
permit is conditioned upon payment of applicable fees as required 74142
by section 3745.11 of the Revised Code and upon the right of the 74143
director's authorized representatives to enter upon the premises 74144
of the person to whom the permit has been issued for the purpose 74145
of determining compliance with this chapter, rules adopted 74146
thereunder, or the terms and conditions of a permit, order, or 74147
other determination. The director shall issue or deny an 74148
application for a sludge management permit or a permit for a new 74149
discharge, for the installation or modification of a disposal 74150
system, or for the renewal of a permit, within one hundred eighty 74151
days of the date on which a complete application with all plans, 74152
specifications, construction schedules, and other pertinent 74153
information required by the director is received. 74154

(6) The director may condition permits upon the installation 74155
of discharge or water quality monitoring equipment or devices and 74156
the filing of periodic reports on the amounts and contents of 74157
discharges and the quality of receiving waters that the director 74158
prescribes. The director shall condition each permit for a 74159
government-owned disposal system or any other "treatment works" as 74160
defined in the Federal Water Pollution Control Act upon the 74161
reporting of new introductions of industrial waste or other wastes 74162
and substantial changes in volume or character thereof being 74163
introduced into those systems or works from "industrial users" as 74164
defined in section 502 of that act, as necessary to comply with 74165
section 402(b)(8) of that act; upon the identification of the 74166
character and volume of pollutants subject to pretreatment 74167
standards being introduced into the system or works; and upon the 74168
existence of a program to ensure compliance with pretreatment 74169
standards by "industrial users" of the system or works. In 74170
requiring monitoring devices and reports, the director, to the 74171
extent consistent with the Federal Water Pollution Control Act, 74172

shall give consideration to technical feasibility and economic 74173
reasonableness and shall allow reasonable time for compliance. 74174

(7) A permit may be issued for a period not to exceed five 74175
years and may be renewed upon application for renewal. In renewing 74176
a permit, the director shall consider the compliance history of 74177
the permit holder and may deny the renewal if the director 74178
determines that the permit holder has not complied with the terms 74179
and conditions of the existing permit. A permit may be modified, 74180
suspended, or revoked for cause, including, but not limited to, 74181
violation of any condition of the permit, obtaining a permit by 74182
misrepresentation or failure to disclose fully all relevant facts 74183
of the permitted discharge or of the sludge use, storage, 74184
treatment, or disposal practice, or changes in any condition that 74185
requires either a temporary or permanent reduction or elimination 74186
of the permitted activity. No application shall be denied or 74187
permit revoked or modified without a written order stating the 74188
findings upon which the denial, revocation, or modification is 74189
based. A copy of the order shall be sent to the applicant or 74190
permit holder by certified mail. 74191

(K) Institute or cause to be instituted in any court of 74192
competent jurisdiction proceedings to compel compliance with this 74193
chapter or with the orders of the director issued under this 74194
chapter, or to ensure compliance with sections 204(b), 307, 308, 74195
and 405 of the Federal Water Pollution Control Act; 74196

(L) Certify to the government of the United States or any 74197
agency thereof that an industrial water pollution control facility 74198
is in conformity with the state program or requirements for the 74199
control of water pollution whenever the certification may be 74200
required for a taxpayer under the Internal Revenue Code of the 74201
United States, as amended; 74202

(M) Issue, modify, and revoke orders requiring any 74203
"industrial user" of any publicly owned "treatment works" as 74204

defined in sections 212(2) and 502(18) of the Federal Water
Pollution Control Act to comply with pretreatment standards;
establish and maintain records; make reports; install, use, and
maintain monitoring equipment or methods, including, where
appropriate, biological monitoring methods; sample discharges in
accordance with methods, at locations, at intervals, and in a
manner that the director determines; and provide other information
that is necessary to ascertain whether or not there is compliance
with toxic and pretreatment effluent standards. In issuing,
modifying, and revoking those orders, the director, to the extent
consistent with the Federal Water Pollution Control Act, shall
give consideration to technical feasibility and economic
reasonableness and shall allow reasonable time for compliance.

(N) Exercise all incidental powers necessary to carry out the
purposes of this chapter;

(O) Pursuant to section 401 of the Federal Water Pollution
Control Act, do any of the following:

(1) Issue or deny a section 401 water quality certification
to, or, pursuant to an appealable action, waive a section 401
water quality certification for, any applicant for a federal
license or permit to conduct any activity that may result in any
discharge into the waters of the state. Any waiver shall contain a
justification for the action.

(2) At the request or concurrence of the certification
holder, transfer or modify a section 401 water quality
certification;

(3) Revoke a section 401 water quality certification when the
director determines that the certification approval was based on
false or misleading information.

(P) Administer and enforce the publicly owned treatment works
pretreatment program in accordance with the Federal Water

Pollution Control Act. In the administration of that program, the	74236
director may do any of the following:	74237
(1) Apply and enforce pretreatment standards;	74238
(2) Approve and deny requests for approval of publicly owned	74239
treatment works pretreatment programs, oversee those programs, and	74240
implement, in whole or in part, those programs under any of the	74241
following conditions:	74242
(a) The director has denied a request for approval of the	74243
publicly owned treatment works pretreatment program;	74244
(b) The director has revoked the publicly owned treatment	74245
works pretreatment program;	74246
(c) There is no pretreatment program currently being	74247
implemented by the publicly owned treatment works;	74248
(d) The publicly owned treatment works has requested the	74249
director to implement, in whole or in part, the pretreatment	74250
program.	74251
(3) Require that a publicly owned treatment works	74252
pretreatment program be incorporated in a permit issued to a	74253
publicly owned treatment works as required by the Federal Water	74254
Pollution Control Act, require compliance by publicly owned	74255
treatment works with those programs, and require compliance by	74256
industrial users with pretreatment standards;	74257
(4) Approve and deny requests for authority to modify	74258
categorical pretreatment standards to reflect removal of	74259
pollutants achieved by publicly owned treatment works;	74260
(5) Deny and recommend approval of requests for fundamentally	74261
different factors variances submitted by industrial users;	74262
(6) Make determinations on categorization of industrial	74263
users;	74264
(7) Adopt, amend, or rescind rules and issue, modify, or	74265

revoke orders necessary for the administration and enforcement of 74266
the publicly owned treatment works pretreatment program. 74267

Any approval of a publicly owned treatment works pretreatment 74268
program may contain any terms and conditions, including schedules 74269
of compliance, that are necessary to achieve compliance with this 74270
chapter. 74271

(Q) Except as otherwise provided in this division, adopt 74272
rules in accordance with Chapter 119. of the Revised Code 74273
establishing procedures, methods, and equipment and other 74274
requirements for equipment to prevent and contain discharges of 74275
oil and hazardous substances into the waters of the state. The 74276
rules shall be consistent with and equivalent in scope, content, 74277
and coverage to section 311(j)(1)(c) of the Federal Water 74278
Pollution Control Act and regulations adopted under it. The 74279
director shall not adopt rules under this division relating to 74280
discharges of oil from oil production facilities and oil drilling 74281
and workover facilities as those terms are defined in that act and 74282
regulations adopted under it. 74283

(R)(1) Administer and enforce a program for the regulation of 74284
sludge management in this state. In administering the program, the 74285
director, in addition to exercising the authority provided in any 74286
other applicable sections of this chapter, may do any of the 74287
following: 74288

(a) Develop plans and programs for the disposal and 74289
utilization of sludge and sludge materials; 74290

(b) Encourage, participate in, or conduct studies, 74291
investigations, research, and demonstrations relating to the 74292
disposal and use of sludge and sludge materials and the impact of 74293
sludge and sludge materials on land located in the state and on 74294
the air and waters of the state; 74295

(c) Collect and disseminate information relating to the 74296

disposal and use of sludge and sludge materials and the impact of 74297
sludge and sludge materials on land located in the state and on 74298
the air and waters of the state; 74299

(d) Issue, modify, or revoke orders to prevent, control, or 74300
abate the use and disposal of sludge and sludge materials or the 74301
effects of the use of sludge and sludge materials on land located 74302
in the state and on the air and waters of the state; 74303

(e) Adopt and enforce, modify, or rescind rules necessary for 74304
the implementation of division (R) of this section. The rules 74305
reasonably shall protect public health and the environment, 74306
encourage the beneficial reuse of sludge and sludge materials, and 74307
minimize the creation of nuisance odors. 74308

The director may specify in sludge management permits the net 74309
volume, net weight, quality, and pollutant concentration of the 74310
sludge or sludge materials that may be used, stored, treated, or 74311
disposed of, and the manner and frequency of the use, storage, 74312
treatment, or disposal, to protect public health and the 74313
environment from adverse effects relating to those activities. The 74314
director shall impose other terms and conditions to protect public 74315
health and the environment, minimize the creation of nuisance 74316
odors, and achieve compliance with this chapter and rules adopted 74317
under it and, in doing so, shall consider whether the terms and 74318
conditions are consistent with the goal of encouraging the 74319
beneficial reuse of sludge and sludge materials. 74320

The director may condition permits on the implementation of 74321
treatment, storage, disposal, distribution, or application 74322
management methods and the filing of periodic reports on the 74323
amounts, composition, and quality of sludge and sludge materials 74324
that are disposed of, used, treated, or stored. 74325

An approval of a treatment works sludge disposal program may 74326
contain any terms and conditions, including schedules of 74327

compliance, necessary to achieve compliance with this chapter and 74328
rules adopted under it. 74329

(2) As a part of the program established under division 74330
(R)(1) of this section, the director has exclusive authority to 74331
regulate sewage sludge management in this state. For purposes of 74332
division (R)(2) of this section, that program shall be consistent 74333
with section 405 of the Federal Water Pollution Control Act and 74334
regulations adopted under it and with this section, except that 74335
the director may adopt rules under division (R) of this section 74336
that establish requirements that are more stringent than section 74337
405 of the Federal Water Pollution Control Act and regulations 74338
adopted under it with regard to monitoring sewage sludge and 74339
sewage sludge materials and establishing acceptable sewage sludge 74340
management practices and pollutant levels in sewage sludge and 74341
sewage sludge materials. 74342

This chapter authorizes the state to participate in any 74343
national sludge management program and the national pollutant 74344
discharge elimination system, to administer and enforce the 74345
publicly owned treatment works pretreatment program, and to issue 74346
permits for the discharge of dredged or fill materials, in 74347
accordance with the Federal Water Pollution Control Act. This 74348
chapter shall be administered, consistent with the laws of this 74349
state and federal law, in the same manner that the Federal Water 74350
Pollution Control Act is required to be administered. 74351

(S) Develop technical guidance and offer technical 74352
assistance, upon request, for the purpose of minimizing wind or 74353
water erosion of soil, and assist in compliance with permits for 74354
storm water management issued under this chapter and rules adopted 74355
under it. 74356

(T) Study, examine, and calculate nutrient loading from point 74357
and nonpoint sources in order to determine comparative 74358
contributions by those sources and to utilize the information 74359

derived from those calculations to determine the most 74360
environmentally beneficial and cost-effective mechanisms to reduce 74361
nutrient loading to watersheds in the Lake Erie basin and the Ohio 74362
river basin. In order to evaluate nutrient loading contributions, 74363
the director or the director's designee shall conduct a study of 74364
the nutrient mass balance for both point and nonpoint sources in 74365
watersheds in the Lake Erie basin and the Ohio river basin using 74366
available data, including both of the following: 74367

(1) Data on water quality and stream flow; 74368

(2) Data on point source discharges into those watersheds. 74369

The director or the director's designee shall report and 74370
update the results of the study to coincide with the release of 74371
the Ohio integrated water quality monitoring and assessment report 74372
prepared by the director. 74373

(U) Establish the total maximum daily load (TMDL) for waters 74374
of the state where a TMDL is required under the Federal Water 74375
Pollution Control Act. 74376

(V) Coordinate with the supervisors of a soil and water 74377
conservation district to ensure compliance with rules adopted by 74378
the director that pertain to urban sediment and storm water runoff 74379
pollution abatement. As used in this division "urban sediment and 74380
storm water runoff pollution abatement" has the same meaning as in 74381
section 939.01 of the Revised Code. 74382

This section does not apply to residual farm products and 74383
manure disposal systems and related management and conservation 74384
practices subject to rules adopted pursuant to division (E)(1) of 74385
section 939.02 of the Revised Code. For purposes of this 74386
exclusion, "residual farm products" and "manure" have the same 74387
meanings as in section 939.01 of the Revised Code. However, until 74388
the date on which the United States environmental protection 74389
agency approves the NPDES program submitted by the director of 74390

agriculture under section 903.08 of the Revised Code, this 74391
exclusion does not apply to animal waste treatment works having a 74392
controlled direct discharge to the waters of the state or any 74393
concentrated animal feeding operation, as defined in 40 C.F.R. 74394
122.23(b)(2). On and after the date on which the United States 74395
environmental protection agency approves the NPDES program 74396
submitted by the director of agriculture under section 903.08 of 74397
the Revised Code, this section does not apply to storm water from 74398
an animal feeding facility, as defined in section 903.01 of the 74399
Revised Code, or to pollutants discharged from a concentrated 74400
animal feeding operation, as both terms are defined in that 74401
section. Neither of these exclusions applies to the discharge of 74402
animal waste into a publicly owned treatment works. 74403

Not later than December 1, 2016, a publicly owned treatment 74404
works with a design flow of one million gallons per day or more, 74405
or designated as a major discharger by the director, shall be 74406
required to begin monthly monitoring of total and dissolved 74407
reactive phosphorus pursuant to a new NPDES permit, an NPDES 74408
permit renewal, or a director-initiated modification. The director 74409
shall include in each applicable new NPDES permit, NPDES permit 74410
renewal, or director-initiated modification a requirement that 74411
such monitoring be conducted. A director-initiated modification 74412
for that purpose shall be considered and processed as a minor 74413
modification pursuant to Ohio Administrative Code 3745-33-04. In 74414
addition, not later than December 1, 2017, a publicly owned 74415
treatment works with a design flow of one million gallons per day 74416
or more that, on July 3, 2015, is not subject to a phosphorus 74417
limit shall complete and submit to the director a study that 74418
evaluates the technical and financial capability of the existing 74419
treatment facility to reduce the final effluent discharge of 74420
phosphorus to one milligram per liter using possible source 74421
reduction measures, operational procedures, and unit process 74422
configurations. 74423

Section 101.02. That existing sections 102.02, 102.021, 74424
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4778.07, 4928.143, 4937.01, 4937.05, 5101.061, 5101.141, 74490
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5101.851, 5101.853, 5103.02, 5103.0328, 5103.13, 5103.30, 5104.01, 74492
5104.013, 5104.015, 5104.016, 5104.02, 5104.021, 5104.03, 5104.04, 74493
5104.042, 5104.09, 5104.12, 5104.21, 5104.22, 5104.29, 5104.30, 74494
5104.31, 5104.32, 5104.34, 5104.38, 5104.41, 5104.99, 5119.185, 74495
5119.19, 5119.44, 5120.10, 5120.112, 5122.43, 5123.01, 5123.023, 74496
5123.042, 5123.044, 5123.046, 5123.0414, 5123.0419, 5123.081, 74497
5123.092, 5123.166, 5126.01, 5126.042, 5126.046, 5126.05, 74498
5126.054, 5126.055, 5126.056, 5126.131, 5126.15, 5139.87, 74499
5145.162, 5149.38, 5162.01, 5162.12, 5162.364, 5162.52, 5164.01, 74500
5164.38, 5164.342, 5164.36, 5164.7510, 5164.91, 5165.15, 5165.152, 74501
5165.21, 5165.25, 5165.361, 5166.01, 5166.04, 5166.22, 5167.01, 74502
5167.03, 5167.04, 5167.10, 5167.11, 5167.12, 5167.121, 5167.13, 74503
5167.14, 5167.17, 5167.171, 5167.172, 5167.173, 5167.18, 5167.20, 74504
5167.201, 5167.26, 5167.41, 5168.03, 5168.05, 5168.06, 5168.07, 74505
5168.08, 5168.75, 5501.20, 5502.011, 5502.63, 5513.06, 5525.03, 74506
5534.152, 5537.07, 5537.13, 5537.17, 5703.05, 5705.091, 5709.17, 74507
5713.08, 5715.27, 5726.98, 5727.75, 5733.98, 5739.01, 5739.011, 74508
5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 5739.03, 5739.05, 74509
5739.09, 5739.101, 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, 74510
5741.17, 5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 74511
5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 74512
5743.61, 5743.62, 5743.63, 5745.05, 5747.01, 5747.02, 5747.022, 74513
5747.025, 5747.03, 5747.04, 5747.05, 5747.054, 5747.055, 5747.06, 74514
5747.08, 5747.10, 5747.11, 5747.50, 5747.98, 5748.01, 5751.02, 74515
5751.98, 5910.01, 5910.02, 5910.031, 5910.032, 5910.04, 5910.05, 74516
5910.06, 5910.07, 5910.08, 5919.34, 5923.01, 5923.02, 5923.03, 74517
5923.12, 5923.37, 5924.01, and 6111.03 of the Revised Code are 74518
hereby repealed. 74519

Section 105.01. That sections 103.44, 103.45, 103.46, 103.47, 74520
103.48, 103.49, 103.50, 166.30, 191.01, 191.02, 191.04, 191.06, 74521
191.08, 191.09, 191.10, 1501.20, 1505.12, 1505.13, 1561.24, 74522
2151.861, 3302.10, 3302.101, 3302.102, 3302.11, 3302.12, 3314.231, 74523
3319.074, 3319.271, 3517.16, 3517.17, 3517.18, 3701.25, 3701.26, 74524
3701.264, 3701.27, 3706.27, 3706.30, 3721.41, 3721.42, 3798.06, 74525
3798.08, 3798.14, 3798.15, 3798.16, 4501.16, 5101.852, 5104.035, 74526
5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 74527
5162.64, 5164.37, 5164.77, 5167.25, 5747.031, 5747.081, 5747.29, 74528
and 5747.65 of the Revised Code are hereby repealed. 74529

74530

Section 125.10. Section 103.416 of the Revised Code is hereby 74531
repealed, effective July 1, 2020. The amendment by this act to 74532
section 103.416 of the Revised Code does not affect this repeal. 74533

Section 201.10. Except as otherwise provided in this act, all 74534
appropriation items in this act are appropriated out of any moneys 74535
in the state treasury to the credit of the designated fund that 74536
are not otherwise appropriated. For all appropriations made in 74537
this act, the amounts in the first column are for fiscal year 2020 74538
and the amounts in the second column are for fiscal year 2021. 74539

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 74540

Dedicated Purpose Fund Group 74541

4J80 889601	CPA Education	\$	525,000	\$	525,000	74542
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Assistance

4K90 889609	Operating Expenses	\$	1,236,965	\$	1,291,139	74543
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TOTAL DPF Dedicated Purpose Fund 74544

Group		\$	1,761,965	\$	1,816,139	74545
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TOTAL ALL BUDGET FUND GROUPS		\$	1,761,965	\$	1,816,139	74546
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Section 205.10. ADJ ADJUTANT GENERAL				74548
General Revenue Fund				74549
GRF	745401	Ohio Military Reserve	\$ 25,000 \$ 25,000	74550
GRF	745404	Air National Guard	\$ 1,805,346 \$ 1,773,954	74551
GRF	745407	National Guard	\$ 388,000 \$ 388,000	74552
Benefits				
GRF	745409	Central	\$ 5,123,132 \$ 5,184,396	74553
Administration				
GRF	745499	Army National Guard	\$ 3,644,419 \$ 3,620,908	74554
GRF	745503	Ohio Cyber Reserve	\$ 100,000 \$ 550,000	74555
TOTAL GRF General Revenue Fund			\$ 11,085,897 \$ 11,542,258	74556
Dedicated Purpose Fund Group				74557
5340	745612	Property Operations	\$ 900,000 \$ 900,000	74558
Management				
5360	745605	Marksmanship	\$ 115,000 \$ 115,000	74559
Activities				
5360	745620	Camp Perry and	\$ 874,054 \$ 874,054	74560
Buckeye Inn				
Operations				
5370	745604	Ohio National Guard	\$ 190,000 \$ 190,000	74561
Facilities				
Maintenance				
5LY0	745626	Military Medal of	\$ 5,000 \$ 5,000	74562
Distinction				
5U80	745613	Community Match	\$ 350,000 \$ 350,000	74563
Armories				
TOTAL DPF Dedicated Purpose Fund			\$ 2,434,054 \$ 2,434,054	74564
Group				
Federal Fund Group				74565
3420	745616	Army National Guard	\$ 26,262,967 \$ 26,252,590	74566
Service Agreement				

3E80	745628	Air National Guard Operations and Maintenance	\$	16,276,986	\$	16,276,984	74567
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	74568
TOTAL FED	Federal Fund Group		\$	42,554,953	\$	42,544,574	74569
TOTAL ALL BUDGET FUND GROUPS			\$	56,074,904	\$	56,520,886	74570

Section 205.20. NATIONAL GUARD BENEFITS 74572

The foregoing appropriation item 745407, National Guard 74573
Benefits, shall be used for purposes of sections 5919.31 and 74574
5919.33 of the Revised Code, and for administrative costs of the 74575
associated programs. 74576

If necessary, in order to pay benefits in a timely manner 74577
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 74578
Adjutant General may request the Director of Budget and Management 74579
transfer appropriation from any appropriation item used by the 74580
Adjutant General to appropriation item 745407, National Guard 74581
Benefits. Such amounts are hereby appropriated. The Adjutant 74582
General may subsequently seek Controlling Board approval to 74583
restore the appropriation in the appropriation item from which 74584
such a transfer was made. 74585

For active duty members of the Ohio National Guard who died 74586
after October 7, 2001, while performing active duty, the death 74587
benefit, pursuant to section 5919.33 of the Revised Code, shall be 74588
paid to the beneficiary or beneficiaries designated on the 74589
member's Servicemembers' Group Life Insurance Policy. 74590

STATE ACTIVE DUTY COSTS 74591

Of the foregoing appropriation item 745409, Central 74592
Administration, \$50,000 in each fiscal year shall be used for the 74593
purpose of paying expenses related to state active duty of members 74594
of the Ohio organized militia, in accordance with a proclamation 74595

of the Governor. Expenses include, but are not limited to, the 74596
cost of equipment, supplies, and services, as determined by the 74597
Adjutant General's Department. On June 1 of each fiscal year, if 74598
it is determined by the Adjutant General that any portion of this 74599
\$50,000 in that fiscal year will not be used for state active duty 74600
expenses, those amounts may be encumbered by the Adjutant General 74601
for maintenance expenses. If before the end of that fiscal year, 74602
state active duty expenses occur, these encumbrances should be 74603
canceled by the Adjutant General to pay for expenses related to 74604
state active duty. 74605

CYBER RANGE 74606

The Adjutant General's Department, in conjunction and 74607
collaboration with the Department of Administrative Services, the 74608
Department of Public Safety, the Department of Higher Education, 74609
and the Department of Education shall establish and maintain a 74610
cyber range. The Adjutant General's Department may work with 74611
federal agencies to assist in accomplishing this objective. The 74612
cyber range shall: (1) provide cyber training and education to 74613
K-12 students, higher education students, Ohio National Guardsmen, 74614
federal employees, and state and local government employees, and 74615
(2) provide for emergency preparedness exercises and training. The 74616
state agencies identified in this paragraph may procure any 74617
necessary goods and services including, but not limited to, 74618
contracted services, hardware, networking services, maintenance 74619
costs, and the training and management costs of a cyber range. 74620
These state agencies shall determine the amount of funds each 74621
agency will contribute from available funds and appropriations 74622
enacted herein in order to establish and maintain a cyber range. 74623

Of the foregoing appropriation item 745409, Central 74624
Administration, up to \$2,000,000 in each fiscal year shall be used 74625
by the Adjutant General's Department for the purposes of 74626
establishing and maintaining the cyber range. 74627

	CYBER RESERVE				74628
	The foregoing appropriation item 745503, Ohio Cyber Reserve,				74629
	shall be used to pay the costs incurred by the Adjutant General's				74630
	Department to operate the Ohio Cyber Reserve in accordance with				74631
	section 5922.01 of the Revised Code.				74632
	Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				74633
	General Revenue Fund				74634
GRF 100412	Unemployment Insurance	\$	0	\$ 1,817,900	74635
	System Lease Rental				
	Payments				
GRF 100413	EDCS Lease Rental	\$	11,843,800	\$ 13,716,500	74636
	Payments				
GRF 100414	MARCS Lease Rental	\$	6,768,900	\$ 6,769,600	74637
	Payments				
GRF 100415	OAKS Lease Rental	\$	2,440,300	\$ 2,444,500	74638
	Payments				
GRF 100416	STARS Lease Rental	\$	3,846,000	\$ 5,097,800	74639
	Payments				
GRF 100447	Administrative	\$	86,914,500	\$ 94,266,800	74640
	Buildings Lease Rental				
	Bond Payments				
GRF 100456	State IT Services	\$	2,249,158	\$ 2,249,773	74641
GRF 100457	Equal Opportunity	\$	2,178,704	\$ 2,178,704	74642
	Services				
GRF 100459	Ohio Business Gateway	\$	15,527,621	\$ 14,527,621	74643
GRF 100469	Aronoff Center	\$	270,000	\$ 270,000	74644
	Building Maintenance				
GRF 100501	MARCS Fee Offset	\$	2,000,000	\$ 2,000,000	74645
GRF 130321	State Agency Support	\$	18,494,092	\$ 18,513,941	74646
	Services				
TOTAL GRF	General Revenue Fund	\$	152,533,075	\$ 163,853,139	74647

Dedicated Purpose Fund Group				74648
5L70	100610	Professional Development	\$ 1,650,000 \$	1,650,000 74649
5MV0	100662	Theater Equipment Maintenance	\$ 50,000 \$	50,000 74650
5NM0	100663	911 Program	\$ 717,060 \$	715,522 74651
5V60	100619	Employee Educational Development	\$ 1,245,000 \$	1,245,000 74652
TOTAL DPF Dedicated Purpose Fund Group			\$ 3,662,060 \$	3,660,522 74653
Internal Service Activity Fund Group				74654
1120	100616	DAS Administration	\$ 12,667,391 \$	13,100,541 74655
1150	100632	Central Service Agency	\$ 956,061 \$	975,025 74656
1170	100644	General Services Division - Operating	\$ 18,265,815 \$	21,460,060 74657
1220	100637	Fleet Management	\$ 18,650,951 \$	23,315,522 74658
1250	100622	Human Resources Division - Operating	\$ 18,612,217 \$	18,718,045 74659
1250	100657	Benefits Communication	\$ 607,577 \$	615,521 74660
1280	100620	Office of Collective Bargaining	\$ 4,283,998 \$	4,385,893 74661
1300	100606	Risk Management Reserve	\$ 15,370,845 \$	15,389,803 74662
1320	100631	DAS Building Management	\$ 49,173,190 \$	49,384,799 74663
1330	100607	IT Services Delivery	\$ 162,248,367 \$	162,665,093 74664
1880	100649	Equal Opportunity Division - Operating	\$ 1,836,834 \$	1,264,515 74665
2100	100612	State Printing	\$ 29,092,749 \$	28,295,851 74666
2290	100630	IT Governance	\$ 32,125,970 \$	32,602,191 74667
2290	100640	Consolidated IT Purchases	\$ 69,348,000 \$	74,348,000 74668

4270 100602	Investment Recovery	\$	1,662,341	\$	1,662,341	74669
4N60 100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	74670
5C20 100605	MARCS Administration	\$	27,207,396	\$	26,484,493	74671
5EB0 100635	OAKS Support	\$	55,382,093	\$	58,807,701	74672
	Organization					
5EB0 100656	OAKS Updates and	\$	6,423,624	\$	6,359,539	74673
	Developments					
5JQ0 100658	Professionals	\$	9,996,303	\$	8,723,135	74674
	Licensing System					
5KZ0 100659	Building Improvement	\$	3,449,500	\$	2,862,000	74675
5LJ0 100661	IT Development	\$	21,500,000	\$	21,500,000	74676
5PC0 100665	Enterprise	\$	111,095,956	\$	111,263,921	74677
	Applications					
TOTAL ISA	Internal Service Activity					74678
Fund Group		\$	673,246,168	\$	689,920,208	74679
Fiduciary Fund Group						74680
5UH0 100670	Enterprise	\$	1,150,000	\$	1,150,000	74681
	Transactions					
TOTAL FID	Fiduciary Fund Group	\$	1,150,000	\$	1,150,000	74682
Federal Fund Group						74683
3AJ0 100623	Information Technology	\$	10,000	\$	10,000	74684
	Grants					
TOTAL FED	Federal Fund Group	\$	10,000	\$	10,000	74685
TOTAL ALL BUDGET FUND GROUPS		\$	830,601,303	\$	858,593,869	74686

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 74688

PAYMENTS 74689

The foregoing appropriation item 100412, Unemployment 74690
 Insurance System Lease Rental Payments, shall be used to make 74691
 payments during the period from July 1, 2019, through June 30, 74692
 2021, pursuant to leases and agreements entered into under Chapter 74693
 125. of the Revised Code, as supplemented by Section 701.40 of 74694

H.B. 529 of the 132nd General Assembly, with respect to financing 74695
the costs associated with the acquisition, development, 74696
implementation, and integration of the Unemployment Insurance 74697
System. 74698

EDCS LEASE RENTAL PAYMENTS 74699

The foregoing appropriation item 100413, EDCS Lease Rental 74700
Payments, shall be used to make payments during the period from 74701
July 1, 2019, through June 30, 2021, pursuant to leases and 74702
agreements entered into under Chapter 125. of the Revised Code, as 74703
supplemented by Section 701.10 of H.B. 529 of the 132nd General 74704
Assembly and other prior acts of the General Assembly, with 74705
respect to financing the costs associated with the acquisition, 74706
development, implementation, and integration of the Enterprise 74707
Data Center Solutions (EDCS) information technology initiative. 74708

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 74709

The foregoing appropriation item 100414, MARCS Lease Rental 74710
Payments, shall be used to make payments during the period from 74711
July 1, 2019, through June 30, 2021, pursuant to leases and 74712
agreements entered into under Chapter 125. of the Revised Code, as 74713
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 74714
General Assembly and other prior acts of the General Assembly, 74715
with respect to financing the costs associated with the 74716
acquisition, development, implementation, and integration of the 74717
Multi-Agency Radio Communications System (MARCS) upgrade. 74718

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 74719

The foregoing appropriation item 100415, OAKS Lease Rental 74720
Payments, shall be used to make payments during the period from 74721
July 1, 2019, through June 30, 2021, pursuant to leases and 74722
agreements entered into under Chapter 125. of the Revised Code, as 74723
supplemented by Section 701.10 of H.B. 529 of the 132nd General 74724
Assembly and other prior acts of the General Assembly, with 74725

respect to financing the costs associated with the acquisition, 74726
development, implementation, and integration of the Ohio 74727
Administrative Knowledge System (OAKS). 74728

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 74729
PAYMENTS 74730

The foregoing appropriation item 100416, STARS Lease Rental 74731
Payments, shall be used to make payments during the period from 74732
July 1, 2019, through June 30, 2021, pursuant to leases and 74733
agreements entered into under Chapter 125. of the Revised Code, as 74734
supplemented by Section 701.30 of H.B. 529 of the 132nd General 74735
Assembly and other prior acts of the General Assembly, with 74736
respect to financing the costs associated with the acquisition, 74737
development, implementation, and integration of the State Taxation 74738
Accounting and Revenue System (STARS). 74739

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 74740

The foregoing appropriation item 100447, Administrative 74741
Buildings Lease Rental Bond Payments, shall be used to meet all 74742
payments during the period from July 1, 2019, through June 30, 74743
2021, by the Department of Administrative Services pursuant to 74744
leases and agreements under Chapters 152. and 154. of the Revised 74745
Code. These appropriations are the source of funds pledged for 74746
bond service charges on related obligations issued under Chapters 74747
152. and 154. of the Revised Code. 74748

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 74749

The Director of Administrative Services, in consultation with 74750
the Multi-Agency Radio Communication System (MARCS) Steering 74751
Committee and the Director of Budget and Management, shall 74752
determine the share of debt service payments attributable to 74753
spending for MARCS components that are not specific to any one 74754
agency and that shall be charged to the Public Safety - Highway 74755
Purposes Fund (Fund 5TM0). Such share of debt service payments 74756

shall be calculated for MARCS capital disbursements made beginning 74757
July 1, 1997. Within thirty days of any payment made from 74758
appropriation item 100447, Administrative Buildings Lease Rental 74759
Bond Payments, the Director of Administrative Services shall 74760
certify to the Director of Budget and Management the amount of 74761
this share. On or before June 30 of each fiscal year, the Director 74762
of Budget and Management may transfer an amount up to the amount 74763
certified for that fiscal year to the General Revenue Fund from 74764
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 74765
in section 4501.06 of the Revised Code. 74766

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 74767
FUND 74768

The foregoing appropriation item 130321, State Agency Support 74769
Services, may be used to provide funding for the cost of property 74770
appraisals or building studies that the Department of 74771
Administrative Services may be required to obtain for property 74772
that is being sold by the state or property under consideration to 74773
be renovated or purchased by the state. 74774

Notwithstanding section 125.28 of the Revised Code, the 74775
foregoing appropriation item 130321, State Agency Support 74776
Services, also may be used to pay the operating expenses of state 74777
facilities maintained by the Department of Administrative Services 74778
that are not billed to building tenants, or other costs associated 74779
with the Voinovich Center in Youngstown, Ohio. These expenses may 74780
include, but are not limited to, the costs for vacant space and 74781
space undergoing renovation, and the rent expenses of tenants that 74782
are relocated because of building renovations. These payments may 74783
be processed by the Department of Administrative Services through 74784
intrastate transfer vouchers and placed into the Building 74785
Management Fund (Fund 1320). 74786

At least once per year, the portion of appropriation item 74787
130321, State Agency Support Services, that is not used for the 74788

regular expenses of the appropriation item may be processed by the 74789
Department of Administrative Services through intrastate transfer 74790
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 74791

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 74792

Upon the request of the Director of Administrative Services, 74793
the Director of Budget and Management may transfer unobligated 74794
cash in the MARCS Administration Fund (Fund 5C20) to the General 74795
Revenue Fund to reimburse the General Revenue Fund for lease 74796
rental payments made on behalf of the MARCS upgrade. 74797

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 74798

The foregoing appropriation item 100610, Professional 74799
Development, shall be used to make payments from the Professional 74800
Development Fund (Fund 5L70) under section 124.182 of the Revised 74801
Code. If it is determined by the Director of Budget and Management 74802
that additional amounts are necessary, the amounts are hereby 74803
appropriated. 74804

911 PROGRAM 74805

The foregoing appropriation item 100663, 911 Program, shall 74806
be used by the Department of Administrative Services to pay the 74807
administrative, marketing, and educational costs of the Statewide 74808
Emergency Services Internet Protocol Network program. 74809

EMPLOYEE EDUCATIONAL DEVELOPMENT 74810

The foregoing appropriation item 100619, Employee Educational 74811
Development, shall be used to make payments from the Employee 74812
Educational Development Fund (Fund 5V60) under section 124.86 of 74813
the Revised Code. The fund shall be used to pay the costs of 74814
administering educational programs under existing collective 74815
bargaining agreements with District 1199, the Health Care and 74816
Social Service Union, Service Employees International Union; State 74817
Council of Professional Educators; Ohio Education Association and 74818

National Education Association; the Fraternal Order of Police Ohio 74819
Labor Council, Unit 2; and the Ohio State Troopers Association, 74820
Units 1 and 15. 74821

If it is determined by the Director of Budget and Management 74822
that additional amounts are necessary, the amounts are hereby 74823
appropriated. 74824

Section 207.40. GENERAL SERVICE CHARGES 74825

The Department of Administrative Services, with the approval 74826
of the Director of Budget and Management, shall establish charges 74827
for recovering the costs of administering the programs funded by 74828
the General Services Fund (Fund 1170) and the State Printing Fund 74829
(Fund 2100). 74830

COLLECTIVE BARGAINING ARBITRATION EXPENSES 74831

The Department of Administrative Services may seek 74832
reimbursement from state agencies for the actual costs and 74833
expenses the Department incurs in the collective bargaining 74834
arbitration process. The reimbursements shall be processed through 74835
intrastate transfer vouchers and credited to the Collective 74836
Bargaining Fund (Fund 1280). 74837

EQUAL OPPORTUNITY PROGRAM 74838

The Department of Administrative Services, with the approval 74839
of the Director of Budget and Management, shall establish charges 74840
for recovering the costs of administering the activities supported 74841
by the State EEO Fund (Fund 1880). These charges shall be 74842
deposited to the credit of Fund 1880 upon payment made by state 74843
agencies, state-supported or state-assisted institutions of higher 74844
education, tax-supported agencies, municipal corporations, and 74845
other political subdivisions of the state, for services rendered. 74846

CONSOLIDATED IT PURCHASES 74847

The foregoing appropriation item 100640, Consolidated IT 74848

Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

Effective July 1, 2019, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100617, Major IT Purchases, and reestablish them against appropriation item 100640, Consolidated IT Purchases. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100617, Major IT Purchases, by July 1, 2019, shall be completed under appropriation item 100640, Consolidated IT Purchases, in the same manner, and with the same effect, as if completed with regard to appropriation item 100617, Major IT Purchases.

On July 1, 2019, or as soon as possible thereafter, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of cash in the Major Information Technology Purchases Fund (Fund 4N60) that was received from agencies for actual expenditures. The Director of Budget and Management shall transfer the certified amount of cash from the Major Information Technology Purchases Fund (Fund 4N60)

to the IT Governance Fund (Fund 2290). 74880

Upon the request of the Director of Administrative Services, 74881
the Director of Budget and Management may transfer up to the 74882
amount collected for statewide indirect costs attributable to debt 74883
service paid for the enterprise data center solutions project from 74884
the General Revenue Fund to the Major Information Technology 74885
Purchases Fund (Fund 4N60). 74886

PROFESSIONS LICENSING SYSTEM 74887

The foregoing appropriation item, 100658, Ohio Professionals 74888
Licensing System, shall be used to purchase the equipment, 74889
products, and services necessary to update and maintain an 74890
automated licensing system for the professional licensing boards. 74891

The Department of Administrative Services shall establish 74892
charges for recovering the costs of ongoing maintenance of the 74893
system that are not otherwise recovered under section 125.18 of 74894
the Revised Code. The charges shall be billed to state agencies, 74895
boards, and commissions using the state's enterprise electronic 74896
licensing system and deposited via intrastate transfer vouchers to 74897
the credit of the Professions Licensing System Fund (Fund 5JQ0). 74898

Section 207.45. BUILDING IMPROVEMENT FUND 74899

The foregoing appropriation item 100659, Building 74900
Improvement, shall be used to make payments from the Building 74901
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 74902
required in facilities maintained by the Department of 74903
Administrative Services. The Department of Administrative Services 74904
shall conduct or contract for regular assessments of these 74905
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 74906
the cost of the repairs and improvements that are recommended to 74907
occur within the next five years, with the following exception 74908
described below. 74909

Upon request of the Director of Administrative Services, the 74910
Director of Budget and Management may permit a cash transfer from 74911
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 74912
of operating and maintaining facilities managed by the Department 74913
of Administrative Services that are not charged to tenants during 74914
the same fiscal year. 74915

Should the cash balance in Fund 1320 be determined to be 74916
sufficient, the Director of Administrative Services may request 74917
that the Director of Budget and Management transfer cash from Fund 74918
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 74919
made under this section plus applicable interest. 74920

INFORMATION TECHNOLOGY DEVELOPMENT 74921

The foregoing appropriation item 100661, IT Development, 74922
shall be used by the Department of Administrative Services to pay 74923
the costs of modernizing the state's information technology 74924
management and investment practices away from a limited, 74925
agency-specific focus in favor of a statewide methodology 74926
supporting development of enterprise solutions. This appropriation 74927
item may be used to pay the costs of enterprise information 74928
technology initiatives affecting state agencies or their 74929
customers. 74930

Notwithstanding any provision of law to the contrary, the 74931
Department of Administrative Services, with the approval of the 74932
Director of Budget and Management, may charge state agencies an 74933
information technology development assessment based on state 74934
agencies' information technology expenditures or other methodology 74935
and may assess fees or charges to entities that are not state 74936
agencies to offset the cost of specific technology events or 74937
services. The revenue from these assessments, fees, or charges 74938
shall be deposited into the Information Technology Development 74939
Fund (Fund 5LJ0), which is hereby created. 74940

Upon the request of the Director of Administrative Services, 74941
the Director of Budget and Management may transfer up to 74942
\$6,000,000 in cash in each fiscal year from the General Revenue 74943
Fund to the Information Technology Development Fund (Fund 5LJ0) to 74944
support the operations of the Office of InnovateOhio. 74945

ENTERPRISE APPLICATIONS 74946

The foregoing appropriation item 100665, Enterprise 74947
Applications, shall be used for the operation and management of 74948
information technology applications that support state agencies' 74949
objectives. Charges billed to benefiting agencies shall be 74950
deposited to the credit of the Enterprise Applications Fund (Fund 74951
5PC0). 74952

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 74953
GOVERNMENT INNOVATION FUND 74954

On July 1, 2019, or as soon as possible thereafter, the 74955
Director of Budget and Management shall transfer \$38,555.24 cash 74956
from the Director's Office Fund (Fund 1120) to the Local 74957
Government Innovation Fund (Fund 5KN0). This amount represents the 74958
unexpended balance of a grant received from the Local Government 74959
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 74960
appropriation item 100667, Local Government Efficiency Programs. 74961

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 74962

The Director of Administrative Services shall determine and 74963
implement strategies that benefit the enterprise by improving 74964
efficiency, reducing costs, or enhancing capacity of information 74965
technology (IT) services. Such improvements and efficiencies may 74966
result in the consolidation and transfer of such services. As 74967
determined to be necessary for successful implementation of this 74968
section and notwithstanding any provision of law to the contrary, 74969
the Director of Administrative Services may request the Director 74970

of Budget and Management to consolidate or transfer IT-specific 74971
 budget authority between agencies or within an agency as necessary 74972
 to implement enterprise IT cost containment strategies and related 74973
 efficiencies. Once the Director of Budget and Management is 74974
 satisfied that the proposed initiative is cost advantageous to the 74975
 enterprise, the Director of Budget and Management may transfer 74976
 appropriations, funds, and cash as needed to implement the 74977
 proposed initiative. The establishment of any new fund or 74978
 additional appropriation as a result of this section shall be 74979
 subject to Controlling Board approval. 74980

The Director of Budget and Management and the Director of 74981
 Administrative Services may transfer any employees, assets, and 74982
 liabilities, including, but not limited to, records, contracts, 74983
 and agreements in order to facilitate the improvements determined 74984
 in accordance with this section. 74985

Section 209.10. AGE DEPARTMENT OF AGING 74986

General Revenue Fund 74987

GRF	490321	Operating Expenses	\$	1,551,161	\$	1,514,690	74988
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GRF	490410	Long-Term Care	\$	1,846,979	\$	3,112,901	74989
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Ombudsman

GRF	490411	Senior Community	\$	8,152,696	\$	8,144,480	74990
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Services

GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245	74991
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Dementia Respite

GRF	490506	National Senior	\$	222,792	\$	222,792	74992
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Service Corps

GRF	656423	Long-Term Care Budget	\$	5,073,618	\$	5,325,896	74993
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TOTAL GRF	General Revenue Fund	\$	19,342,491	\$	20,816,004	74994
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Dedicated Purpose Fund Group 74995

4800	490606	Senior Community	\$	372,523	\$	372,523	74996
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		Outreach and Education					
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	74997
5BA0	490620	Ombudsman Support	\$	1,500,000	\$	1,500,000	74998
5K90	490613	Long-Term Care Consumers Guide	\$	1,350,000	\$	1,350,000	74999
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	800,000	\$	800,000	75000
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	75001
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	75002
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	75003
TOTAL DPF	Dedicated Purpose						75004
Fund Group			\$	5,687,223	\$	5,687,223	75005
Federal Fund Group							75006
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	75007
3C40	656623	Long-Term Care Budget - Federal	\$	5,341,281	\$	5,477,117	75008
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	75009
TOTAL FED	Federal Fund Group		\$	72,696,361	\$	72,832,197	75010
TOTAL ALL BUDGET	FUND GROUPS		\$	97,726,075	\$	99,335,424	75011

Section 209.20. LONG-TERM CARE 75013

Pursuant to an interagency agreement, the Department of 75014
Medicaid may designate the Department of Aging to perform 75015
assessments under section 5165.04 of the Revised Code. The 75016
Department of Aging shall provide long-term care consultations 75017

under section 173.42 of the Revised Code to assist individuals in 75018
planning for their long-term health care needs. 75019

The Department of Aging shall administer the Medicaid 75020
waiver-funded PASSPORT Home Care Program, the Assisted Living 75021
Program, and PACE as delegated by the Department of Medicaid in an 75022
interagency agreement. 75023

PERFORMANCE-BASED REIMBURSEMENT 75024

The Department of Aging may design and utilize a payment 75025
method for PASSPORT administrative agency operations that includes 75026
a pay-for-performance incentive component that is earned by a 75027
PASSPORT administrative agency when defined consumer and policy 75028
outcomes are achieved. 75029

Section 209.30. MYCARE OHIO 75030

The authority of the Office of the State Long-Term Care 75031
Ombudsman as described in sections 173.14 to 173.28 of the Revised 75032
Code extends to MyCare Ohio during the period of the federal 75033
financial alignment demonstration program. 75034

SENIOR COMMUNITY SERVICES 75035

The foregoing appropriation item 490411, Senior Community 75036
Services, may be used for programs, services, and activities 75037
designated by the Department of Aging, including, but not limited 75038
to, home-delivered and congregate meals, transportation services, 75039
personal care services, respite services, adult day services, home 75040
repair, care coordination, prevention and disease self-management, 75041
and decision support systems. Service priority shall be given to 75042
low income, high need, and/or cognitively impaired persons 60 75043
years of age and over. 75044

NATIONAL SENIOR SERVICE CORPS 75045

The foregoing appropriation item 490506, National Senior 75046
Service Corps, may be used by the Department of Aging to fund 75047

grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

Section 209.40. PASSPORT PROGRAM PAYMENT RATES

The base and unit payment rates for the following services provided under the Medicaid-funded and state-funded components of the PASSPORT program during fiscal years 2020 and 2021 shall be at least five and one-tenth per cent higher than the rates for the services in effect on June 30, 2019:

(A) Home care attendant services;

(B) Personal care services;

(C) Waiver nursing services.

Section 209.50. PASSPORT PAYMENT RATES FOR HOME-DELIVERED

MEALS

The payment rates for home-delivered meals provided under the

PASSPORT program during the period beginning July 1, 2019, and ending July 1, 2021, shall be the following:

(A) For each meal delivered daily on a per-meal delivery basis by a volunteer or employee of the provider, \$7.19;

(B) For each meal delivered in a chilled or frozen format on a weekly delivery basis by a volunteer or employee of the provider, \$6.99;

(C) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.

Section 209.60. ASSISTED LIVING PROGRAM PAYMENT RATES

The payment rates for each tier of assisted living services provided under the Medicaid-funded and state-funded components of the Assisted Living Program during fiscal years 2020 and 2021 shall be at least five and one-tenth per cent higher than the rates for the services in effect on June 30, 2019.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$ 3,785,399	\$ 3,700,399	75094
GRF 700403	Dairy Division	\$ 1,208,067	\$ 1,178,459	75095
GRF 700404	Ohio Proud	\$ 99,159	\$ 100,771	75096
GRF 700406	Consumer Protection	\$ 1,369,703	\$ 1,320,696	75097
	Lab			
GRF 700407	Food Safety	\$ 1,385,046	\$ 1,340,046	75098
GRF 700409	Farmland Preservation	\$ 74,686	\$ 74,686	75099
GRF 700410	Plant Industry	\$ 152,468	\$ 147,468	75100
GRF 700412	Weights and Measures	\$ 614,723	\$ 614,723	75101
GRF 700415	Poultry Inspection	\$ 811,427	\$ 811,428	75102
GRF 700417	Soil and Water	\$ 20,000,000	\$ 20,000,000	75103

Phosphorus Program

GRF 700418	Livestock Regulation Program	\$ 1,145,071	\$ 1,145,071	75104
GRF 700424	Livestock Testing and Inspections	\$ 117,493	\$ 117,493	75105
GRF 700426	Dangerous and Restricted Animals	\$ 582,340	\$ 604,060	75106
GRF 700427	High Volume Breeder Kennel Control	\$ 1,235,767	\$ 1,235,767	75107
GRF 700428	Soil and Water Division	\$ 3,543,482	\$ 3,543,482	75108
GRF 700499	Meat Inspection Program - State Share	\$ 6,172,407	\$ 5,882,091	75109
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	75110
GRF 700509	Soil and Water District Support	\$ 11,833,016	\$ 11,833,016	75111
TOTAL GRF	General Revenue Fund	\$ 54,509,927	\$ 54,029,329	75112
Dedicated Purpose Fund Group				75113
4900 700651	License Plates - Sustainable Agriculture	\$ 17,500	\$ 17,500	75114
4940 700612	Agricultural Commodity Marketing Program	\$ 253,000	\$ 253,000	75115
4960 700626	Ohio Grape Industries	\$ 1,543,223	\$ 1,550,000	75116
4970 700627	Grain Warehouse Program	\$ 491,590	\$ 500,000	75117
4C90 700605	Commercial Feed and Seed	\$ 2,367,396	\$ 2,426,251	75118
4D20 700609	Auction Education	\$ 50,000	\$ 50,000	75119
4E40 700606	Utility Radiological Safety	\$ 97,610	\$ 101,130	75120
4P70 700610	Food Safety	\$ 1,022,005	\$ 1,043,743	75121

		Inspection				
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500 75122
4R20	700637	Dairy Industry	\$	1,800,246	\$	1,852,950 75123
		Inspection				
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000 75124
		Inspection				
5780	700620	Ride Inspection	\$	1,827,551	\$	1,944,585 75125
5B80	700629	Auctioneers	\$	350,449	\$	361,450 75126
5BV0	700660	Heidelberg Water	\$	275,000	\$	275,000 75127
		Quality Lab				
5BV0	700661	Soil and Water	\$	8,000,000	\$	8,000,000 75128
		Districts				
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298 75129
5H20	700608	Metrology Lab and	\$	975,000	\$	975,000 75130
		Scale Certification				
5L80	700604	Livestock Management	\$	274,814	\$	275,000 75131
		Program				
5MA0	700657	Dangerous and	\$	7,000	\$	7,000 75132
		Restricted Animals				
5MR0	700658	High Volume Breeders	\$	320,000	\$	320,000 75133
		and Kennels				
5MS0	700659	Captive Deer	\$	40,000	\$	40,000 75134
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 75135
6520	700634	Animal, Consumer, and	\$	5,396,151	\$	5,466,896 75136
		ATL Labs				
6690	700635	Pesticide,	\$	4,859,314	\$	5,000,000 75137
		Fertilizer, and Lime				
		Inspection Program				
6H20	700670	H2Ohio	\$	30,300,000	\$	0 75138
TOTAL DPF	Dedicated Purpose					75139
Fund Group			\$	62,401,386	\$	32,640,303 75140
Internal Service Activity	Fund Group					75141
5DA0	700644	Laboratory	\$	1,200,807	\$	1,204,626 75142

		Administration				
		Support				
5GH0	700655	Administrative	\$	5,403,892	\$	5,524,048 75143
		Support				
TOTAL ISA		Internal Service Activity				75144
Fund Group			\$	6,604,699		6,728,674 75145
Capital Projects		Fund Group				75146
7057	700632	Clean Ohio	\$	589,960	\$	610,000 75147
		Agricultural Easement				
		Operating				
TOTAL CPF		Capital Projects Fund	\$	589,960	\$	610,000 75148
Group						
Federal Fund		Group				75149
3260	700618	Meat Inspection	\$	5,036,419	\$	5,194,424 75150
		Program - Federal				
		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 75151
		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 75152
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 75153
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 75154
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 75155
		Industry				
TOTAL FED		Federal Fund Group	\$	19,960,434	\$	20,209,630 75156
TOTAL ALL		BUDGET FUND GROUPS	\$	144,066,406	\$	114,217,936 75157
		Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM				75159
		The Department of Agriculture shall establish programs to				75160
		assist in reducing total phosphorus and dissolved reactive				75161

phosphorus in the Western Lake Erie Basin. The programs shall give 75162
priority to those subwatersheds determined to be highest in total 75163
phosphorus and dissolved reactive phosphorus nutrient loading. 75164

The foregoing appropriation item 700417, Soil and Water 75165
Phosphorus Program, shall be used to support the programs 75166
described above, which may include but not be limited to, the 75167
following: (1) equipment for subsurface placement of nutrients 75168
into the soil; (2) equipment for nutrient placement based on 75169
geographic information system data; (3) soil testing; (4) 75170
implementation of variable rate technology; (5) equipment 75171
implementing manure transformation and manure conversion 75172
technologies; (6) tributary monitoring; (7) water management and 75173
edge-of-field drainage management; and (8) an agricultural 75174
phosphorus reduction revolving loan program. Not more than forty 75175
per cent of the foregoing appropriation item 700417, Soil and 75176
Water Phosphorus Program, shall be used for any single activity. 75177

DANGEROUS AND RESTRICTED WILD ANIMALS 75178

The foregoing appropriation item 700426, Dangerous and 75179
Restricted Animals, shall be used to administer the Dangerous and 75180
Restricted Wild Animal Permitting Program. 75181

COUNTY AGRICULTURAL SOCIETIES 75182

The foregoing appropriation item 700501, County Agricultural 75183
Societies, shall be used to reimburse county and independent 75184
agricultural societies for expenses related to Junior Fair 75185
activities. 75186

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 75187
BASIN 75188

Of the foregoing appropriation item 700509, Soil and Water 75189
District Support, \$350,000 in each fiscal year shall be used by 75190
the Department of Agriculture for a program to support soil and 75191
water conservation districts in the Western Lake Erie Basin in 75192

complying with provisions of Sub. S.B. 1 of the 131st General 75193
Assembly. The Department shall approve a soil and water district's 75194
application for funding under the program if the application 75195
demonstrates that funding will be used for, but not limited to, 75196
providing technical assistance, developing applicable nutrient or 75197
manure management plans, hiring and training of soil and water 75198
conservation district staff on best conservation practices, or 75199
other activities the Director determines appropriate to assist 75200
farmers in the Western Lake Erie Basin in complying with the 75201
provisions of Sub. S.B. 1 of the 131st General Assembly. 75202

Of the foregoing appropriation item 700509, Soil and Water 75203
District Support, \$3,500,000 in each fiscal year shall be used to 75204
support county soil and water conservation districts in the 75205
Western Lake Erie Basin for staffing costs and to assist in soil 75206
testing and nutrient management plan development, including manure 75207
transformation and manure conversion technologies, enhanced filter 75208
strips, water management, and other conservation support. 75209

SOIL AND WATER DISTRICTS 75210

In addition to state payments to soil and water conservation 75211
districts authorized by section 940.15 of the Revised Code, the 75212
Department of Agriculture may use appropriation item 700661, Soil 75213
and Water Districts, to pay any soil and water conservation 75214
district an annual amount not to exceed \$40,000 upon receipt of a 75215
request and justification from the district and approval by the 75216
Ohio Soil and Water Conservation Commission. The county auditor 75217
shall credit the payments to the special fund established under 75218
section 940.12 of the Revised Code for use by the local soil and 75219
water conservation district. The amounts received by each district 75220
shall be expended for the purposes of the district. 75221

H2OHIO FUND 75222

The foregoing appropriation item 700670, H2Ohio, shall be 75223

used by the Department of Agriculture to support best management 75224
practices for farmers including but not limited to assistance with 75225
equipment purchases and soil testing. In addition, the foregoing 75226
appropriation item 700760, H2Ohio, may be used to fund 75227
improvements and protection of state waterways in support of water 75228
quality priorities and management in accordance with section 75229
126.60 of the Revised Code. 75230

On July 1, 2020, or as soon as possible thereafter, the 75231
Director of Agriculture may certify to the Director of Budget and 75232
Management an amount up to the unexpended, unencumbered balance of 75233
the foregoing appropriation item, 700670, H2Ohio, at the end of 75234
fiscal year 2020 to be reappropriated in fiscal year 2021. The 75235
amount certified is hereby reappropriated to the same 75236
appropriation item for fiscal year 2021. 75237

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 75238

The foregoing appropriation item 700632, Clean Ohio 75239
Agricultural Easement Operating, shall be used by the Department 75240
of Agriculture in administering Clean Ohio Agricultural Easement 75241
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 75242
5301.67 to 5301.70 of the Revised Code. 75243

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 75244

Dedicated Purpose Fund Group 75245

4Z90 898602	Small Business	\$	208,813	\$	208,813	75246
	Ombudsman					

5700 898601	Operating Expenses	\$	565,364	\$	583,395	75247
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5A00 898603	Small Business	\$	450,000	\$	450,000	75248
	Assistance					

TOTAL DPF Dedicated Purpose Fund	\$	1,224,177	\$	1,242,208	75249
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,224,177	\$	1,242,208	75250
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Section 213.20.	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				75252
	AUTHORITY TRUST ACCOUNT				75253
	Notwithstanding any other provision of law to the contrary,				75254
	the Air Quality Development Authority may reimburse the Air				75255
	Quality Development Authority trust account established under				75256
	section 3706.10 of the Revised Code from all operating funds of				75257
	the agency for expenses pertaining to the administration and				75258
	shared costs incurred by the Air Quality Development Authority in				75259
	the execution of responsibilities as prescribed in Chapter 3706.				75260
	of the Revised Code. The reimbursement shall be made by voucher				75261
	and completed in accordance with the administrative indirect costs				75262
	allocation plan approved by the Office of Budget and Management.				75263
Section 215.10.	ARC ARCHITECTS BOARDS				75264
	Dedicated Purpose Fund Group				75265
	4K90 891609 Operating	\$	638,611	\$	646,294
	TOTAL DPF Dedicated Purpose Fund				75267
	Group	\$	638,611	\$	646,294
	TOTAL ALL BUDGET FUND GROUPS	\$	638,611	\$	646,294
					75269
Section 217.10.	ART OHIO ARTS COUNCIL				75271
	General Revenue Fund				75272
	GRF 370321 Operating Expenses	\$	1,947,031	\$	2,042,828
	GRF 370502 State Program	\$	15,230,750	\$	15,230,750
	Subsidies				
	TOTAL GRF General Revenue Fund	\$	17,177,781	\$	17,273,578
	Dedicated Purpose Fund Group				75276
	4600 370602 Arts Council Program	\$	377,942	\$	385,000
	Support				
	4B70 370603 Percent for Art	\$	165,000	\$	165,000
	Acquisitions				

TOTAL DPF Dedicated Purpose Fund Group	\$	542,942	\$	550,000	75279
Federal Fund Group					75280
3140 370601 Federal Support	\$	1,250,000	\$	1,250,000	75281
TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	75282
TOTAL ALL BUDGET FUND GROUPS	\$	18,970,723	\$	19,073,578	75283

FEDERAL SUPPORT 75284

Notwithstanding any provision of law to the contrary, the 75285
foregoing appropriation item 370601, Federal Support, shall be 75286
used by the Ohio Arts Council for subsidies only, and not for its 75287
administrative costs, unless the Council is required to use a 75288
portion of the funds for administrative costs under conditions of 75289
the federal grant. 75290

Section 219.10. ATH ATHLETIC COMMISSION 75291

Dedicated Purpose Fund Group					75292
4K90 175609 Operating Expenses	\$	331,169	\$	331,822	75293
TOTAL DPF Dedicated Purpose Fund Group	\$	331,169	\$	331,822	75294
TOTAL ALL BUDGET FUND GROUPS	\$	331,169	\$	331,822	75295

Section 221.10. AGO ATTORNEY GENERAL 75297

General Revenue Fund					75298
GRF 055321 Operating Expenses	\$	60,646,591	\$	62,958,461	75299
GRF 055405 Law-Related Education	\$	68,950	\$	68,950	75300
GRF 055406 BCIRS Lease Rental	\$	2,515,100	\$	2,513,400	75301
Payments					
GRF 055411 County Sheriffs' Pay Supplement	\$	983,341	\$	1,000,554	75302
GRF 055415 County Prosecutors' Pay Supplement	\$	1,247,225	\$	1,278,630	75303
GRF 055431 Drug Abuse Response	\$	1,500,000	\$	1,500,000	75304

		Team Grants					
GRF	055432	Drug Testing	\$	968,602	\$	0	75305
		Equipment					
GRF	055501	Rape Crisis Centers	\$	4,750,000	\$	4,750,000	75306
GRF	055502	School Safety	\$	12,000,000	\$	12,000,000	75307
		Training Grants					
GRF	055504	Domestic Violence	\$	1,000,000	\$	1,000,000	75308
		Programs					
TOTAL GRF		General Revenue Fund	\$	85,679,809	\$	87,069,995	75309
		Dedicated Purpose Fund Group					75310
1060	055612	Attorney General	\$	58,426,184	\$	60,018,182	75311
		Operating					
4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	75312
4170	055621	Domestic Violence	\$	25,000	\$	25,000	75313
		Shelter					
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	75314
		Foundations					
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	75315
4200	055603	Attorney General	\$	2,432,925	\$	2,432,925	75316
		Antitrust					
4210	055617	Police Officers'	\$	2,182,062	\$	2,250,000	75317
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	75318
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	75319
4Z20	055609	BCI Asset Forfeiture	\$	2,500,000	\$	2,500,000	75320
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	75321
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	75322
		Enforcement					
5LR0	055655	Peace Officer	\$	5,355,079	\$	5,529,409	75323
		Training - Casino					

5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	75324
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	75325
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	75326
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	75327
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	75328
TOTAL DPF Dedicated Purpose Fund							75329
Group			\$	158,944,634	\$	161,878,900	75330
Internal Service Activity Fund Group							75331
1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040	75332
TOTAL ISA Internal Service Activity Fund Group			\$	7,416,045	\$	6,898,040	75333
Holding Account Fund Group							75334
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	75335
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	75336
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	75337
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	75338
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	75339
TOTAL HLD Holding Account							75340
Fund Group			\$	8,250,000	\$	8,250,000	75341

Federal Fund Group					75342	
3060 055620	Medicaid Fraud	\$	8,961,419	\$	8,961,419	75343
	Control					
3830 055634	Crime Victims	\$	109,971,344	\$	110,000,000	75344
	Assistance					
3E50 055638	Attorney General	\$	4,017,209	\$	4,020,999	75345
	Pass-Through Funds					
3FV0 055656	Crime Victim	\$	4,600,000	\$	4,600,000	75346
	Compensation					
3R60 055613	Attorney General	\$	2,799,999	\$	2,799,999	75347
	Federal Funds					
TOTAL FED	Federal Fund Group	\$	130,349,971	\$	130,382,417	75348
TOTAL ALL BUDGET	FUND GROUPS	\$	390,640,459	\$	394,479,352	75349

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 75351
75352

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 75353
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DOMESTIC VIOLENCE PROGRAM 75360

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 75361
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75364

NARCOTICS TASK FORCES 75365

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to 75366
75367

support narcotics task forces funded by the Attorney General. 75368

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 75369
RENTAL PAYMENTS 75370

The foregoing appropriation item 055406, BCIRS Lease Rental 75371
Payments, shall be used for payments during the period from July 75372
1, 2019, through June 30, 2021, pursuant to leases and agreements 75373
entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of 75374
the 131st General Assembly and other prior acts of the General 75375
Assembly, with respect to financing the costs associated with the 75376
acquisition, development, implementation, and integration of the 75377
BCIRS. 75378

COUNTY SHERIFFS' PAY SUPPLEMENT 75379

The foregoing appropriation item 055411, County Sheriffs' Pay 75380
Supplement, shall be used for the purpose of supplementing the 75381
annual compensation of county sheriffs as required by section 75382
325.06 of the Revised Code. 75383

At the request of the Attorney General, the Director of 75384
Budget and Management may transfer appropriation from 75385
appropriation item 055321, Operating Expenses, to appropriation 75386
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 75387
transferred shall be used to supplement the annual compensation of 75388
county sheriffs as required by section 325.06 of the Revised Code. 75389

COUNTY PROSECUTORS' PAY SUPPLEMENT 75390

The foregoing appropriation item 055415, County Prosecutors' 75391
Pay Supplement, shall be used for the purpose of supplementing the 75392
annual compensation of certain county prosecutors as required by 75393
section 325.111 of the Revised Code. 75394

At the request of the Attorney General, the Director of 75395
Budget and Management may transfer appropriation from 75396
appropriation item 055321, Operating Expenses, to appropriation 75397

item 055415, County Prosecutors' Pay Supplement. Any appropriation 75398
so transferred shall be used to supplement the annual compensation 75399
of county prosecutors as required by section 325.111 of the 75400
Revised Code. 75401

DRUG TESTING EQUIPMENT 75402

The foregoing appropriation item 055432, Drug Testing 75403
Equipment, shall be used to purchase drug testing equipment for 75404
the Bureau of Criminal Identification and Investigation. 75405

Section 221.30. BATTERED WOMEN'S SHELTER 75406

Of the foregoing appropriation item 055501, Rape Crisis 75407
Centers, \$50,000 in each fiscal year shall be distributed to the 75408
Battered Women's Shelter of Summit and Medina counties for the 75409
cost of operating the commercial kitchen located at its Market 75410
Street Facility. 75411

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 75412

Of the foregoing appropriation item 055501, Rape Crisis 75413
Centers, \$300,000 in each fiscal year shall be distributed to the 75414
Battered Women's Shelter of Summit and Medina counties for 75415
expenses related to the creation and implementation of a pilot 75416
program called "Finding my Childhood Again." 75417

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 75418

The Attorney General shall maintain the Drug Abuse Response 75419
Team Grant Program for the purpose of replicating or expanding 75420
successful law enforcement programs that address the opioid 75421
epidemic similar to the Drug Abuse Response Team established by 75422
the Lucas County Sheriff's Department, and the Quick Response 75423
Teams established in Colerain Township's Department of Public 75424
Safety in Hamilton County and Summit County. Any grants awarded by 75425
this grant program may include requirements for private or 75426
nonprofit matching support. 75427

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio

Industrial Commission.	75459
GENERAL HOLDING ACCOUNT	75460
The foregoing appropriation item 055631, General Holding	75461
Account, shall be used to distribute moneys under the terms of	75462
relevant court orders or other settlements received in a variety	75463
of cases involving the Office of the Attorney General. If it is	75464
determined that additional amounts are necessary for this purpose,	75465
the amounts are hereby appropriated.	75466
ANTITRUST SETTLEMENTS	75467
The foregoing appropriation item 055632, Antitrust	75468
Settlements, shall be used to distribute moneys under the terms of	75469
relevant court orders or other out of court settlements in	75470
antitrust cases or antitrust matters involving the Office of the	75471
Attorney General. If it is determined that additional amounts are	75472
necessary for this purpose, the amounts are hereby appropriated.	75473
CONSUMER FRAUDS	75474
The foregoing appropriation item 055630, Consumer Frauds,	75475
shall be used for distribution of moneys from court-ordered	75476
judgments against sellers in actions brought by the Office of the	75477
Attorney General under sections 1334.08 and 4549.48 and division	75478
(B) of section 1345.07 of the Revised Code. These moneys shall be	75479
used to provide restitution to consumers victimized by the fraud	75480
that generated the court-ordered judgments. If it is determined	75481
that additional amounts are necessary for this purpose, the	75482
amounts are hereby appropriated.	75483
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	75484
The foregoing appropriation item 055601, Organized Crime	75485
Commission Distributions, shall be used by the Organized Crime	75486
Investigations Commission, as provided by section 177.011 of the	75487
Revised Code, to reimburse political subdivisions for the expenses	75488

the political subdivisions incur when their law enforcement 75489
officers participate in an organized crime task force. If it is 75490
determined that additional amounts are necessary for this purpose, 75491
the amounts are hereby appropriated. 75492

COLLECTION PAYMENT REDISTRIBUTION 75493

The foregoing appropriation item 055650, Collection Payment 75494
Redistribution, shall be used for the purpose of allocating the 75495
revenue where debtors mistakenly paid the client agencies instead 75496
of the Attorney General's Collections Enforcement Section. If it 75497
is determined that additional amounts are necessary for this 75498
purpose, the amounts are hereby appropriated. 75499

Section 223.10. AUD AUDITOR OF STATE 75500

General Revenue Fund 75501

GRF	070403	Fiscal	\$	700,000	\$	700,000	75502
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Watch/Emergency
Technical Assistance

GRF	070401	Audit Management and	\$	11,998,471	\$	12,209,612	75503
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Services

GRF	070402	Performance Audits	\$	1,750,000	\$	1,600,000	75504
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GRF	070404	Fraud/Corruption	\$	2,550,000	\$	2,550,000	75505
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Audits and
Investigation

GRF	070412	Local Government	\$	13,300,000	\$	13,300,000	75506
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Audit Support

TOTAL GRF	General Revenue Fund	\$	30,298,471	\$	30,359,612	75507
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Dedicated Purpose Fund Group 75508

1090	070601	Public Audit Expense	\$	11,184,958	\$	11,545,067	75509
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- Intrastate

4220	070602	Public Audit Expense	\$	34,477,707	\$	35,053,886	75510
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- Local Government

5840	070603	Training Program	\$	475,000	\$	475,000	75511
5JZ0	070606	LEAP Revolving Loans	\$	250,000	\$	250,000	75512
6750	070605	Uniform Accounting Network	\$	4,191,269	\$	4,228,178	75513
5VP0	070611	Local Government Audit Support Fund	\$	10,000,000	\$	10,000,000	75514
TOTAL DPF Dedicated Purpose Fund							75515
Group			\$	60,578,934	\$	61,552,131	75516
TOTAL ALL BUDGET FUND GROUPS			\$	90,877,405	\$	91,911,743	75517

Section 223.20. AUDIT MANAGEMENT AND SERVICES 75519

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. 75520-75525

PERFORMANCE AUDITS 75526

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. 75527-75534

LOCAL GOVERNMENT AUDIT SUPPORT 75535

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect 75536-75540

cost allocation guidelines.					75541
LOCAL GOVERNMENT AUDIT SUPPORT FUND					75542
The foregoing appropriation item 070611, Local Government					75543
Audit Support Fund, shall be used pursuant to section 117.131 of					75544
the Revised Code to offset costs of audits that would otherwise be					75545
charged to local public offices in the absence of the fund.					75546
Notwithstanding section 131.511 of the Revised Code, during					75547
fiscal year 2020, the Director of Budget and Management shall					75548
monthly credit to the Local Government Audit Support Fund such					75549
amounts as are necessary to support the fiscal year 2020					75550
appropriations from the fund.					75551
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT					75552
General Revenue Fund					75553
GRF 042321 Budget Development	\$	3,328,574	\$	3,389,364	75554
and Implementation					
GRF 042425 Shared Services	\$	1,285,250	\$	1,049,725	75555
Development					
TOTAL GRF General Revenue Fund	\$	4,613,824	\$	4,439,089	75556
Internal Service Activity Fund Group					75557
1050 042603 Financial Management	\$	17,106,380	\$	16,995,903	75558
1050 042620 Shared Services	\$	6,744,587	\$	6,543,051	75559
Operating					
TOTAL ISA Internal Service Activity					75560
Fund Group	\$	23,850,967	\$	23,538,954	75561
Fiduciary Fund Group					75562
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000	75563
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	75564
TOTAL ALL BUDGET FUND GROUPS	\$	28,494,791	\$	28,008,043	75565
Section 229.20. AUDIT COSTS					75567

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.

SHARED SERVICES CENTER

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies reviewed by the program using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY					75599
The foregoing appropriation item 042604, Forgery Recovery,					75600
shall be used to reissue warrants that have been certified as					75601
forgeries by the rightful recipient as determined by the Bureau of					75602
Criminal Identification and Investigation and the Treasurer of					75603
State. Upon receipt of funds to cover the reissuance of the					75604
warrant, the Director of Budget and Management shall reissue a					75605
state warrant of the same amount. Any additional amounts needed to					75606
reissue warrants backed by the receipt of funds are hereby					75607
appropriated.					75608
Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD					75609
General Revenue Fund					75610
GRF 874100 Personal Services	\$	3,802,439	\$	3,819,502	75611
GRF 874320 Maintenance and	\$	1,368,765	\$	1,368,765	75612
Equipment					
TOTAL GRF General Revenue Fund	\$	5,171,204	\$	5,188,267	75613
Dedicated Purpose Fund Group					75614
2080 874601 Underground Parking	\$	4,245,906	\$	4,245,906	75615
Garage Operations					
4G50 874603 Capitol Square	\$	6,000	\$	6,000	75616
Education Center and					
Arts					
TOTAL DPF Dedicated Purpose					75617
Fund Group	\$	4,251,906	\$	4,251,906	75618
Internal Service Activity Fund Group					75619
4S70 874602 Statehouse Gift	\$	800,000	\$	800,000	75620
Shop/Events					
TOTAL ISA Internal Service Activity					75621
Fund Group	\$	800,000	\$	800,000	75622
TOTAL ALL BUDGET FUND GROUPS	\$	10,223,110	\$	10,240,173	75623

PERSONAL SERVICES 75624

On July 1, 2019, or as soon as possible thereafter, the 75625
Executive Director of the Capitol Square Review and Advisory Board 75626
may certify to the Director of Budget and Management an amount up 75627
to the unexpended, unencumbered balance of the foregoing 75628
appropriation item 874100, Personal Services, at the end of fiscal 75629
year 2019 to be reappropriated to fiscal year 2020. The amount 75630
certified is hereby appropriated to the same appropriation item 75631
for fiscal year 2020. 75632

On July 1, 2020, or as soon as possible thereafter, the 75633
Executive Director of the Capital Square Review and Advisory Board 75634
may certify to the Director of Budget and Management an amount up 75635
to the unexpended, unencumbered balance of the foregoing 75636
appropriation item 874100, Personal Services, at the end of fiscal 75637
year 2020 to be reappropriated to fiscal year 2021. The amount 75638
certified is hereby appropriated to the same appropriation item 75639
for fiscal year 2021. 75640

MAINTENANCE AND EQUIPMENT 75641

On July 1, 2019, or as soon as possible thereafter, the 75642
Executive Director of the Capitol Square Review and Advisory Board 75643
may certify to the Director of Budget and Management an amount up 75644
to the unexpended, unencumbered balance of the foregoing 75645
appropriation item 874320, Maintenance and Equipment, at the end 75646
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 75647
amount certified is hereby appropriated to the same appropriation 75648
item for fiscal year 2020. 75649

On July 1, 2020, or as soon as possible thereafter, the 75650
Executive Director of the Capitol Square Review and Advisory Board 75651
may certify to the Director of Budget and Management an amount up 75652
to the unexpended, unencumbered balance of the foregoing 75653
appropriation item 874320, Maintenance and Equipment, at the end 75654

of fiscal year 2020 to be reappropriated to fiscal year 2021. The 75655
amount certified is hereby appropriated to the same appropriation 75656
item for fiscal year 2021. 75657

UNDERGROUND PARKING GARAGE FUND 75658

Notwithstanding division (G) of section 105.41 of the Revised 75659
Code and any other provision to the contrary, moneys in the 75660
Underground Parking Garage Fund (Fund 2080) may be used for 75661
personnel and operating costs related to the operations of the 75662
Statehouse and the Statehouse Underground Parking Garage. 75663

HOUSE AND SENATE PARKING REIMBURSEMENT 75664

On July 1 of each fiscal year, or as soon as possible 75665
thereafter, the Director of Budget and Management shall transfer 75666
\$500,000 cash from the General Revenue Fund to the Underground 75667
Parking Garage Fund (Fund 2080). The amounts transferred under 75668
this section shall be used to reimburse the Capitol Square Review 75669
and Advisory Board for legislative parking costs. 75670

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 75671
SCHOOLS 75672

Dedicated Purpose Fund Group 75673

4K90 233601	Operating Expenses	\$	540,260	\$	540,260	75674
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TOTAL DPF Dedicated Purpose Fund		\$	540,260	\$	540,260	75675
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	540,260	\$	540,260	75676
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Section 235.10. CAC CASINO CONTROL COMMISSION 75678

Dedicated Purpose Fund Group 75679

5HS0 955321	Operating Expenses	\$	13,180,629	\$	13,673,127	75680
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5NU0 955601	Casino Commission	\$	250,000	\$	250,000	75681
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Enforcement

TOTAL DPF Dedicated Purpose Fund		\$	13,430,629	\$	13,923,127	75682
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Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,430,629 \$ 13,923,127 75683

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 75685

Dedicated Purpose Fund Group 75686

4K90 930609 Operating Expenses \$ 651,167 \$ 664,212 75687

TOTAL DPF Dedicated Purpose Fund \$ 651,167 \$ 664,212 75688

Group

TOTAL ALL BUDGET FUND GROUPS \$ 651,167 \$ 664,212 75689

Section 239.10. CHR STATE CHIROPRACTIC BOARD 75691

Dedicated Purpose Fund Group 75692

4K90 878609 Operating Expenses \$ 605,251 \$ 622,000 75693

TOTAL DPF Dedicated Purpose Fund \$ 605,251 \$ 622,000 75694

Group

TOTAL ALL BUDGET FUND GROUPS \$ 605,251 \$ 622,000 75695

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 75697

General Revenue Fund 75698

GRF 876321 Operating Expenses \$ 5,863,161 \$ 5,863,161 75699

TOTAL GRF General Revenue Fund \$ 5,863,161 \$ 5,863,161 75700

Dedicated Purpose Fund Group 75701

2170 876604 Operations Support \$ 3,000 \$ 3,000 75702

TOTAL DPF Internal Service Activity 75703

Fund Group \$ 3,000 \$ 3,000 75704

Federal Fund Group 75705

3340 876601 Federal Programs \$ 3,555,504 \$ 3,908,497 75706

TOTAL FED Federal Special Revenue 75707

Fund Group \$ 3,555,504 \$ 3,908,497 75708

TOTAL ALL BUDGET FUND GROUPS \$ 9,421,665 \$ 9,774,658 75709

Section 243.10. COM DEPARTMENT OF COMMERCE 75711

	Dedicated Purpose Fund Group					75712
4B20	800631 Real Estate Appraisal	\$	35,000	\$	35,000	75713
	Recovery					
4H90	800608 Cemeteries	\$	302,250	\$	313,466	75714
4X20	800619 Financial Institutions	\$	1,914,631	\$	1,980,213	75715
5430	800602 Unclaimed	\$	10,452,421	\$	10,465,295	75716
	Funds-Operating					
5430	800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	75717
5440	800612 Banks	\$	10,154,147	\$	10,688,048	75718
5460	800610 Fire Marshal	\$	20,436,641	\$	21,090,755	75719
5460	800639 Fire Department Grants	\$	5,200,000	\$	5,200,000	75720
5470	800603 Real Estate	\$	69,655	\$	69,655	75721
	Education/Research					
5480	800611 Real Estate Recovery	\$	50,000	\$	50,000	75722
5490	800614 Real Estate	\$	3,876,514	\$	4,067,513	75723
5500	800617 Securities	\$	6,165,054	\$	6,363,135	75724
5520	800604 Credit Union	\$	3,719,253	\$	3,807,712	75725
5530	800607 Consumer Finance	\$	5,465,720	\$	5,777,988	75726
5560	800615 Industrial Compliance	\$	30,729,000	\$	30,729,000	75727
5F10	800635 Small Government Fire	\$	300,000	\$	300,000	75728
	Departments					
5FW0	800616 Financial Literacy	\$	150,000	\$	150,000	75729
	Education					
5GK0	800609 Securities Investor	\$	678,400	\$	682,150	75730
	Education/Enforcement					
5HV0	800641 Cigarette Enforcement	\$	27,324	\$	27,324	75731
5LC0	800644 Liquor JobsOhio	\$	788,204	\$	788,204	75732
	Extraordinary Allowance					
5LN0	800645 Liquor Operating	\$	19,540,125	\$	19,705,103	75733
	Services					
5LP0	800646 Liquor Regulatory	\$	15,918,941	\$	14,787,281	75734
	Operating Expenses					
5SE0	800651 Cemetery Grant Program	\$	100,000	\$	100,000	75735

5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$	50,000	\$	50,000	75736
5SU0	800649	Manufactured Homes Regulation	\$	260,550	\$	270,478	75737
5SY0	800650	Medical Marijuana Control Program	\$	6,435,897	\$	5,121,000	75738
5VC0	800652	Real Estate Home Inspector Operating	\$	490,000	\$	490,000	75739
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000	75740
5X60	800623	Video Service	\$	416,732	\$	412,693	75741
6530	800629	UST Registration/Permit Fee	\$	2,316,230	\$	2,301,714	75742
6A40	800630	Real Estate Appraiser-Operating	\$	1,299,071	\$	1,336,056	75743
TOTAL DPF Dedicated Purpose							75744
Fund Group			\$	217,351,760	\$	217,169,783	75745
Internal Service Activity Fund Group							75746
1630	800620	Division of Administration	\$	8,558,140	\$	8,364,140	75747
1630	800637	Information Technology	\$	8,601,860	\$	8,985,860	75748
TOTAL ISA Internal Service Activity							75749
Fund Group			\$	17,160,000	\$	17,350,000	75750
Federal Fund Group							75751
3480	800622	Underground Storage Tanks	\$	820,675	\$	805,112	75752
3480	800624	Leaking Underground Storage Tanks	\$	1,950,000	\$	1,949,887	75753
TOTAL FED Federal Fund Group			\$	2,770,675	\$	2,754,999	75754
TOTAL ALL BUDGET FUND GROUPS			\$	237,282,435	\$	237,274,782	75755
Section 243.20. UNCLAIMED FUNDS PAYMENTS							75757

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of

government responsible for such fire departments, and local units 75789
of government responsible for the provision of fire protection 75790
services for small municipalities or small townships. For the 75791
purposes of these grants, a private fire company, as that phrase 75792
is defined in section 9.60 of the Revised Code, that is providing 75793
fire protection services under a contract to a political 75794
subdivision of the state, is an additional eligible recipient for 75795
a training grant. 75796

Eligible recipients that consist of small municipalities or 75797
small townships that all intend to contract with the same fire 75798
department or private fire company for fire protection services 75799
may jointly apply and be considered for a grant. If a joint 75800
applicant is awarded a grant, the State Fire Marshal shall, if 75801
feasible, proportionately award the grant and any equipment 75802
purchased with grant funds to each of the joint applicants based 75803
upon each applicant's contribution to and demonstrated need for 75804
fire protection services. For the purpose of this grant program, 75805
an eligible recipient or any firefighting entity that is 75806
contracted to serve an eligible recipient may only file, be listed 75807
as joint applicant, or be designated as a service provider on one 75808
grant application per fiscal year. 75809

If the grant awarded to joint applicants is an equipment 75810
grant and the equipment to be purchased cannot be readily 75811
distributed or possessed by multiple recipients, each of the joint 75812
applicants shall be awarded by the State Fire Marshal an ownership 75813
interest in the equipment so purchased in proportion to each 75814
applicant's contribution to and demonstrated need for fire 75815
protection services. The joint applicants shall then mutually 75816
agree on how the equipment is to be maintained, operated, stored, 75817
or disposed of. If, for any reason, the joint applicants cannot 75818
agree as to how jointly owned equipment is to be maintained, 75819
operated, stored, or disposed of or any of the joint applicants no 75820

longer maintain a contract with the same fire protection service 75821
provider as the other applicants, then the joint applicants shall, 75822
with the assistance of the State Fire Marshal, mutually agree as 75823
to how the jointly owned equipment is to be maintained, operated, 75824
stored, disposed of, or owned. If the joint applicants cannot 75825
agree how the grant equipment is to be maintained, operated, 75826
stored, disposed of, or owned, the State Fire Marshal may, in its 75827
discretion, require all of the equipment acquired by the joint 75828
applicants with grant funds to be returned to the State Fire 75829
Marshal. The State Fire Marshal may then award the returned 75830
equipment to any eligible recipients. For this paragraph only, an 75831
"equipment grant" also includes a MARCS Grant. 75832

(B) Except as otherwise provided in this section, the grants 75833
shall be used by recipients to purchase firefighting or rescue 75834
equipment or gear or similar items, to provide full or partial 75835
reimbursement for the documented costs of firefighter training, 75836
or, at the discretion of the State Fire Marshal, to cover fire 75837
department costs for providing fire protection services in that 75838
grant recipient's jurisdiction. 75839

(1) Of the foregoing appropriation item 800639, Fire 75840
Department Grants, up to \$1,000,000 per fiscal year may be used to 75841
pay for the State Fire Marshal's costs of providing firefighter I 75842
certification classes or other firefighter classes approved by the 75843
State Fire Marshal at no cost to selected students attending the 75844
Ohio Fire Academy or other class providers approved by the State 75845
Fire Marshal. The State Fire Marshal may establish the 75846
qualifications and selection processes for students to attend such 75847
classes by written policy, and such students shall be considered 75848
eligible recipients of fire department grants for the purposes of 75849
this portion of the grant program. 75850

(2) Of the foregoing appropriation item 800639, Fire 75851
Department Grants, up to \$3,000,000 in each fiscal year may be 75852

used for MARCS Grants. MARCS Grants may be used for the payment of 75853
user access fees by the eligible recipient to cover costs for 75854
accessing MARCS. 75855

For purposes of this section, a MARCS Grant is a grant for 75856
systems, equipment, or services that are a part of, integrated 75857
into, or otherwise interoperable with the Multi-Agency Radio 75858
Communication System (MARCS) operated by the state. 75859

MARCS Grant awards may be up to \$50,000 in each fiscal year 75860
per eligible recipient. Each eligible recipient may apply, as a 75861
separate entity or as a part of a joint application, for only one 75862
MARCS Grant per fiscal year. The State Fire Marshal may give a 75863
preference to MARCS Grants that will enhance the overall 75864
interoperability and effectiveness of emergency communication 75865
networks in the geographic region that includes and that is 75866
adjacent to the applicant. 75867

Eligible recipients that are or were awarded fire department 75868
grants that are not MARCS Grants may also apply for and receive 75869
MARCS Grants in accordance with criteria for the awarding of grant 75870
funds established by the State Fire Marshal. 75871

(3) Grant awards for firefighting or rescue equipment or gear 75872
or for fire department costs of providing fire protection services 75873
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 75874
fiscal year if an eligible entity serves a jurisdiction in which 75875
the Governor declared a natural disaster during the preceding or 75876
current fiscal year in which the grant was awarded. In addition to 75877
any grant funds awarded for rescue equipment or gear, or for fire 75878
department costs associated with the provision of fire protection 75879
services, an eligible entity may receive a grant for up to \$15,000 75880
per fiscal year for full or partial reimbursement of the 75881
documented costs of firefighter training. For each fiscal year, 75882
the State Fire Marshal shall determine the total amounts to be 75883
allocated for each eligible purpose. 75884

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Real Estate Education and Research Fund (Fund 5470) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2021.

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds \$250,000 during the biennium ending June 30, 2021, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than \$250,000.

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 75916

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 75917
balance exceeds \$200,000 during the biennium ending June 30, 2021, 75918
the Director of Budget and Management, upon the written request of 75919
the Director of Commerce and subject to the approval of the 75920
Controlling Board, may transfer cash from Fund 4B20 to the Real 75921
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 75922
available in Fund 4B20 is not less than \$200,000. 75923

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 75924
REVOLVING LOAN FUND 75925

Upon the written request of the Director of Commerce, and 75926
subject to the approval of the Controlling Board, the Director of 75927
Budget and Management may transfer up to \$300,000 in cash from the 75928
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 75929
Department Services Revolving Loan Fund (Fund 5F10) during the 75930
biennium ending June 30, 2021. 75931

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 75932
HOME INSPECTOR RECOVERY FUND 75933

During the biennium beginning July 1, 2019, and ending June 75934
30, 2021, upon written request from the Director of Commerce, and 75935
subject to the approval of the Controlling Board, the Director of 75936
Budget and Management may transfer up to \$500,000 in cash from the 75937
Division of Securities Fund (Fund 5500) as follows: up to \$490,000 75938
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 75939
\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 75940
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 75941
sufficient to sustain operations, the Director of Budget and 75942
Management, in consultation with the Director of Commerce, shall 75943
establish a repayment schedule to fully repay the cash transferred 75944
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 75945

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL				75946	
Dedicated Purpose Fund Group				75947	
5F50 053601 Operating Expenses	\$	5,541,093	\$	5,541,093	75948
TOTAL DPF Dedicated Purpose Fund Group	\$	5,541,093	\$	5,541,093	75949
TOTAL ALL BUDGET FUND GROUPS	\$	5,541,093	\$	5,541,093	75950
Section 247.10. CEB CONTROLLING BOARD				75952	
Internal Service Activity Fund Group				75953	
5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	75954
Emergency Purposes/Contingencies					
TOTAL ISA Internal Service Activity Fund Group	\$	7,500,000	\$	7,500,000	75955
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	75956
Section 247.20. FEDERAL SHARE				75958	
In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.				75959 75960 75961 75962 75963 75964	
DISASTER SERVICES				75965	
The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.				75966 75967 75968 75969 75970 75971	
Pursuant to requests submitted by the Department of Public				75972	

Safety, the Controlling Board may approve cash transfers from Fund 75973
5E20 to any fund used by the Department of Public Safety to 75974
provide for assistance to political subdivisions made necessary by 75975
natural disasters or emergencies. These cash transfers may be 75976
requested and approved prior to the occurrence of any specific 75977
natural disasters or emergencies in order to facilitate the 75978
provision of timely assistance. The Emergency Management Agency of 75979
the Department of Public Safety shall use the cash to fund the 75980
State Disaster Relief Program for disasters that qualify for the 75981
program by written authorization of the Governor, and the State 75982
Individual Assistance Program for disasters that been declared by 75983
the federal Small Business Administration and that qualify for the 75984
program by written authorization from the Governor. The Ohio 75985
Emergency Management Agency shall publish and make available 75986
application packets outlining procedures for the State Disaster 75987
Relief Program and the State Individual Assistance Program. 75988

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 75989

Dedicated Purpose Fund Group 75990
4K90 879609 Operating Expenses \$ 5,425,748 \$ 5,716,944 75991
TOTAL DPF Dedicated Purpose Fund \$ 5,425,748 \$ 5,716,944 75992
Group
TOTAL ALL BUDGET FUND GROUPS \$ 5,425,748 \$ 5,716,944 75993

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 75995
AND FAMILY THERAPIST BOARD 75996

Dedicated Purpose Fund Group 75997
4K90 899609 Operating Expenses \$ 1,739,538 \$ 1,854,848 75998
TOTAL DPF Dedicated Purpose Fund \$ 1,739,538 \$ 1,854,848 75999
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,739,538 \$ 1,854,848 76000

Section 253.10. CLA COURT OF CLAIMS 76002

General Revenue Fund					76003	
GRF 015321	Operating Expenses	\$	2,669,835	\$	2,692,946	76004
GRF 015403	Public Records	\$	879,776	\$	886,527	76005
	Adjudication					
TOTAL GRF	General Revenue Fund	\$	3,549,611	\$	3,579,473	76006
Dedicated Purpose Fund Group						76007
5K20 015603	CLA Victims of Crime	\$	529,928	\$	533,532	76008
5TE0 015604	Public Records	\$	8,000	\$	8,000	76009
TOTAL DPF	Dedicated Purpose Fund	\$	537,928	\$	541,532	76010
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	4,087,539	\$	4,121,005	76011
Section 255.10.	DEN STATE DENTAL BOARD					76013
Dedicated Purpose Fund Group						76014
4K90 880609	Operating Expenses	\$	2,000,804	\$	2,124,251	76015
TOTAL DPF	Dedicated Purpose Fund	\$	2,000,804	\$	2,124,251	76016
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	2,000,804	\$	2,124,251	76017
Section 257.10.	BDP BOARD OF DEPOSIT					76019
Dedicated Purpose Fund Group						76020
4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	76021
TOTAL DPF	Dedicated Purpose Fund	\$	1,876,000	\$	1,876,000	76022
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,876,000	\$	1,876,000	76023
BOARD OF DEPOSIT EXPENSE FUND						76024
Upon receiving certification of expenses from the Treasurer						76025
of State, the Director of Budget and Management shall transfer						76026
cash from the Investment Earnings Redistribution Fund (Fund 6080)						76027
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund						76028
shall be used pursuant to section 135.02 of the Revised Code to						76029
pay for any and all necessary expenses of the Board of Deposit or						76030

for banking charges and fees required for the operation of the 76031
State of Ohio Regular Account. 76032

Section 259.10. DEV DEVELOPMENT SERVICES AGENCY 76033

General Revenue Fund 76034

GRF	195402	Coal Research and Development Program	\$	227,368	\$	227,368	76035
GRF	195405	Minority Business Development	\$	1,696,358	\$	1,696,358	76036
GRF	195415	Business Development Services	\$	2,102,021	\$	2,149,281	76037
GRF	195426	Redevelopment Assistance	\$	1,067,000	\$	1,067,000	76038
GRF	195453	Technology Programs and Grants	\$	2,040,056	\$	2,096,400	76039
GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	76040
GRF	195455	Appalachia Assistance	\$	12,991,465	\$	13,000,000	76041
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	76042
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	76043
GRF	195503	Local Development Projects	\$	1,840,000	\$	825,000	76044
GRF	195520	Ohio Main Street Program	\$	500,000	\$	0	76045
GRF	195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000	76046
GRF	195553	Industry Sector Partnerships	\$	1,800,000	\$	1,800,000	76047
GRF	195556	TechCred Program	\$	10,700,000	\$	10,700,000	76048
GRF	195901	Coal Research and	\$	8,123,100	\$	7,682,600	76049

		Development General Obligation Bond Debt Service				
GRF	195905	Third Frontier	\$	84,181,400	\$	87,403,000 76050
		Research and Development General Obligation Bond Debt Service				
GRF	195912	Job Ready Site	\$	15,516,000	\$	9,879,900 76051
		Development General Obligation Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	160,332,102	\$	155,935,975 76052
		Dedicated Purpose Fund Group				76053
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905 76054
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000 76055
4F20	195639	State Special Projects	\$	102,104	\$	102,104 76056
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000 76057
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000 76058
5HR0	195622	Defense Development Assistance	\$	1,000,000	\$	1,000,000 76059
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000 76060
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000 76061
5M40	195659	Low Income Energy Assistance (USF)	\$	349,944,742	\$	350,000,000 76062

5M50	195660	Advanced Energy Loan Programs	\$	10,000,000	\$	10,000,000	76063
5MH0	195644	SiteOhio Administration	\$	2,500	\$	2,500	76064
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	76065
5UL0	195627	Brownfields Revolving Loan Program	\$	2,500,000	\$	2,500,000	76066
5UY0	195496	Sports Events Grants	\$	5,000,000	\$	0	76067
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	76068
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	76069
6460	195638	Low- and Moderate-Income Housing Programs	\$	53,000,000	\$	53,000,000	76070
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	76071
TOTAL DPF Dedicated Purpose Fund Group			\$	442,474,813	\$	437,530,071	76072
Internal Service Activity Fund Group							76073
1350	195684	Development Services Operations	\$	11,686,861	\$	12,000,000	76074
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000	76075
TOTAL ISA Internal Service Activity Fund Group			\$	11,811,861	\$	12,125,000	76076
Facilities Establishment Fund Group							76077
4Z60	195647	Rural Industrial Park Loan	\$	25,000,000	\$	0	76078

5S90	195628	Capital Access Loan Program	\$	2,500,000	\$	2,500,000	76079
7009	195664	Innovation Ohio	\$	5,200,000	\$	4,800,000	76080
7010	195665	Research and Development	\$	5,000,000	\$	5,000,000	76081
7037	195615	Facilities Establishment	\$	25,000,000	\$	25,000,000	76082
TOTAL FCE Facilities Establishment Fund Group			\$	62,700,000	\$	37,300,000	76083
Bond Research and Development Fund Group							76084
7011	195686	Third Frontier Tax Exempt - Operating	\$	750,000	\$	750,000	76085
7011	195687	Third Frontier Research and Development Projects	\$	21,000,000	\$	21,000,000	76086
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	76087
7014	195692	Research and Development Taxable Bond Projects	\$	90,850,250	\$	90,850,250	76088
TOTAL BRD Bond Research and Development Fund Group			\$	114,310,250	\$	114,310,250	76089
Federal Fund Group							76090
3080	195603	Housing Assistance Programs	\$	12,000,000	\$	12,000,000	76091
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	76092
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	76093
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	76094
3080	195671	Brownfield Redevelopment	\$	2,000,000	\$	2,000,000	76095

3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	76096
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	76097
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	76098
3350	195610	Energy Programs	\$	345,382	\$	350,000	76099
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	76100
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	7,996,645	\$	8,000,000	76101
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	76102
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	76103
3K90	195611	Home Energy Assistance Block Grant	\$	164,914,571	\$	165,000,000	76104
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	76105
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	76106
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	76107
TOTAL FED	Federal Fund Group		\$	385,607,401	\$	385,732,334	76108
TOTAL ALL BUDGET FUND GROUPS			\$	1,177,236,427	\$	1,142,933,630	76109

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 76111

The foregoing appropriation item 195402, Coal Research and 76112
 Development Program, shall be used for the operating expenses of 76113
 the Community Services Division in support of the Ohio Coal 76114
 Development Office. 76115

MINORITY BUSINESS DEVELOPMENT 76116

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 in fiscal year 2021 shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented by the Development Services Agency.

Of the foregoing appropriation item 195453, Technology Programs and Grants, \$196,400 in each fiscal year shall be allocated to the Edison Welding Institute, Inc., to support the Aerospace Maintenance Repair and Overhaul - Center of Excellence Project.

SMALL BUSINESS AND EXPORT ASSISTANCE 76147

The foregoing appropriation item 195454, Small Business and 76148
Export Assistance, may be used to provide a range of business 76149
assistance, including grants to local organizations to support 76150
economic development activities that promote small business 76151
development, entrepreneurship, and exports of Ohio's goods and 76152
services, in conjunction with local organizations funded through 76153
appropriation item 195405, Minority Business Development. The 76154
foregoing appropriation item shall also be used as matching funds 76155
for grants from the United States Small Business Administration 76156
and other federal agencies, pursuant to Pub. L. No. 96-302 as 76157
amended by Pub. L. No. 98-395, and regulations and policy 76158
guidelines for the programs pursuant thereto. 76159

APPALACHIA ASSISTANCE 76160

The foregoing GRF appropriation item 195455, Appalachia 76161
Assistance, may be used for the administrative costs of planning 76162
and liaison activities for the Governor's Office of Appalachia, to 76163
provide financial assistance to projects in Ohio's Appalachian 76164
counties, to support four local development districts, and to pay 76165
dues for the Appalachian Regional Commission. These funds may be 76166
used to match federal funds from the Appalachian Regional 76167
Commission. Programs funded through the foregoing appropriation 76168
item 195455, Appalachia Assistance, shall be identified and 76169
recommended by the local development districts and approved by the 76170
Governor's Office of Appalachia. The Development Services Agency 76171
shall conduct compliance and regulatory review of the programs 76172
recommended by the local development districts. Moneys allocated 76173
under the foregoing appropriation item 195455, Appalachia 76174
Assistance, may be used to fund projects including, but not 76175
limited to, those designated by the local development districts as 76176
community investment and rapid response projects. 76177

Of the foregoing appropriation item 195455, Appalachia 76178

Assistance, in each fiscal year, \$170,000 shall be allocated to 76179
the Ohio Valley Regional Development Commission, \$170,000 shall be 76180
allocated to the Ohio Mid-Eastern Government Association, \$170,000 76181
shall be allocated to the Buckeye Hills-Hocking Valley Regional 76182
Development District, and \$70,000 shall be allocated to the 76183
Eastgate Regional Council of Governments. Local development 76184
districts receiving funding under this section shall use the funds 76185
for the implementation and administration of programs and duties 76186
under section 107.21 of the Revised Code. 76187

Of the foregoing appropriation item 195455, Appalachia 76188
Assistance, up to \$2,000,000 in each fiscal year shall be 76189
allocated to the GRIT Project for operational costs and to provide 76190
virtual job training, virtual job centers, and related training 76191
and services consistent with the mission of the GRIT Project for 76192
high school students and adults residing in Adams, Brown, 76193
Highland, Pike, or Scioto counties. 76194

Of the foregoing appropriation item 195455, Appalachia 76195
Assistance, \$5,000,000 in each fiscal year shall be allocated to 76196
the Foundation for Appalachian Ohio. 76197

CDBG OPERATING MATCH 76198

The foregoing appropriation item 195497, CDBG Operating 76199
Match, shall be used as matching funds for grants from the United 76200
States Department of Housing and Urban Development pursuant to the 76201
Housing and Community Development Act of 1974 and regulations and 76202
policy guidelines for the programs pursuant thereto. 76203

BSD FEDERAL PROGRAMS MATCH 76204

The foregoing appropriation item 195499, BSD Federal Programs 76205
Match, shall be used as matching funds for grants from the U.S. 76206
Department of Commerce, National Institute of Standards and 76207
Technology (NIST) Manufacturing Extension Partnership Program and 76208
Defense Logistics Agency Procurement Technical Assistance Program, 76209

and other federal agencies, pursuant to Pub. L. No. 96-302 as 76210
amended by Pub. L. No. 98-395, and regulations and policy 76211
guidelines for the programs pursuant thereto. The foregoing 76212
appropriation item 195499, BSD Federal Programs Match, shall also 76213
be used for operating expenses of the Business Services Division. 76214

LOCAL DEVELOPMENT PROJECTS 76215

Of the foregoing appropriation item 195503, Local Development 76216
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 76217
matching funding for the National Center for Defense Manufacturing 76218
and Machining in partnership with either the U.S. Department of 76219
Defense or the U.S. Department of Energy to further economic 76220
opportunity at America Makes, the National Additive Manufacturing 76221
Innovation Institute. 76222

Of the foregoing appropriation item 195503, \$300,000 in each 76223
fiscal year shall be allocated to the Eastern Ohio Military 76224
Affairs Commission to support the Camp James A. Garfield Joint 76225
Military Training Center and the Youngstown Air Reserve Station. 76226

Of the foregoing appropriation item 195503, Local Development 76227
Projects, \$250,000 in each fiscal year shall be allocated to the 76228
Greater Cleveland Partnership to support the Cleveland Chain 76229
Reaction Project. 76230

Of the foregoing appropriation item 195503, Local Development 76231
Projects, \$150,000 in each fiscal year shall be allocated to the 76232
Stark County Minority Business Association to work in partnership 76233
with the Canton Regional Chamber of Commerce to support a 76234
demonstration pilot project. 76235

Of the foregoing appropriation item 195503, Local Development 76236
Projects, \$125,000 in each fiscal year shall be allocated to 76237
BioEnterprise Corporation. 76238

Of the foregoing appropriation item 195503, Local Development 76239
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 76240

Jewish Foundation of Cincinnati to support workforce development 76241
costs involved with assisting in employment services for the 76242
financially indigent. 76243

On July 1, 2020, or as soon as possible thereafter, the 76244
Director of Development Services shall certify to the Director of 76245
Budget and Management the amount of the unexpended, unencumbered 76246
balance of appropriation item 195503, Local Development Projects, 76247
to be reappropriated in fiscal year 2021. The amount certified is 76248
hereby reappropriated to the appropriation item in fiscal year 76249
2021 for the same purpose. 76250

OHIO MAIN STREET PROGRAM 76251

The foregoing appropriation item 195520, Ohio Main Street 76252
Program, shall be allocated to Heritage Ohio to support the Ohio 76253
Main Street Program. 76254

OHIO-ISRAEL AGRICULTURAL INITIATIVE 76255

The foregoing appropriation item 195537, Ohio-Israel 76256
Agricultural Initiative, shall be used for the Ohio-Israel 76257
Agricultural Initiative. 76258

INDUSTRY SECTOR PARTNERSHIPS 76259

The foregoing appropriation item 195553, Industry Sector 76260
Partnerships, shall be used for the grant program as described in 76261
section 122.179 of the Revised Code. 76262

TECHCRED PROGRAM 76263

(A) Of the foregoing appropriation item 195556, TechCred 76264
Program, \$10,500,000 in each fiscal year shall be used for 76265
reimbursements to employers under the TechCred Program as 76266
described in section 122.178 of the Revised Code, provided that: 76267

(1) Not less than 15 per cent of awarded funds in each fiscal 76268
year shall be awarded to businesses with 50 or fewer employees; 76269

(2) Not less than 15 per cent of awarded funds in each fiscal 76270

year shall be awarded to businesses with 200 or fewer employees, 76271
in addition to the minimum amount allocated under division (A)(1) 76272
of this section; and 76273

(3) Not less than 15 per cent of awarded funds in each fiscal 76274
year shall be awarded to businesses with 200 or more employees. 76275

(B) Of the foregoing appropriation item 195556, TechCred 76276
Program, \$200,000 in each fiscal year may be used to cover 76277
operating expenses of the TechCred Program. 76278

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 76279
OBLIGATION BOND DEBT SERVICE 76280

The foregoing appropriation line item 195901, Coal Research 76281
and Development General Obligation Bond Debt Service, shall be 76282
used to pay all debt service and related financing costs during 76283
the period July 1, 2019, through June 30, 2021, on obligations 76284
issued under sections 151.01 and 151.07 of the Revised Code. 76285

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 76286
BOND DEBT SERVICE 76287

The foregoing appropriation item 195905, Third Frontier 76288
Research and Development General Obligation Bond Debt Service, 76289
shall be used to pay all debt service and related financing costs 76290
during the period from July 1, 2019, through June 30, 2021, on 76291
obligations issued under sections 151.01 and 151.10 of the Revised 76292
Code. 76293

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 76294
SERVICE 76295

The foregoing appropriation item 195912, Job Ready Site 76296
Development General Obligation Bond Debt Service, shall be used to 76297
pay all debt service and related financing costs during the period 76298
from July 1, 2019, through June 30, 2021, on obligations issued 76299
under sections 151.01 and 151.11 of the Revised Code. 76300

Section 259.30. MINORITY BUSINESS BONDING FUND 76301

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. 76302
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If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated. 76309
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BUSINESS ASSISTANCE PROGRAMS 76323

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments. 76324
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STATE SPECIAL PROJECTS 76328

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for 76329
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the deposit of other miscellaneous state funds. State moneys so 76331
deposited may also be used to match federal funding and to support 76332
programs of the Community Service Division. 76333

MINORITY BUSINESS ENTERPRISE LOAN 76334

The foregoing appropriation item 195646, Minority Business 76335
Enterprise Loan, shall be used for awards under the Minority 76336
Business Enterprise Loan Program and to cover operating expenses 76337
of the Minority Business Development Division. All repayments from 76338
the Minority Development Financing Advisory Board Loan Program 76339
shall be deposited in the State Treasury to the credit of the 76340
Minority Business Enterprise Loan Fund (Fund 4W10). 76341

DEFENSE DEVELOPMENT ASSISTANCE 76342

The foregoing appropriation item 195622, Defense Development 76343
Assistance, shall be allocated to Development Projects, Inc., for 76344
economic development programs and the creation of new jobs to 76345
leverage and support mission gains at Department of Defense and 76346
related facilities in Ohio by working with future base realignment 76347
and closure activities and ongoing Department of Defense 76348
efficiency and partnership initiatives, assisting efforts to 76349
secure Department of Defense support contracts for Ohio companies, 76350
assessing and supporting regional job training and workforce 76351
development needs generated by the Department of Defense and the 76352
Ohio aerospace industry, promoting technology transfer to Ohio 76353
businesses, and for expanding job training and economic 76354
development programs in human performance and cyber security 76355
related initiatives. 76356

ADVANCED ENERGY LOAN PROGRAMS 76357

The foregoing appropriation item 195660, Advanced Energy Loan 76358
Programs, shall be used to provide financial assistance to 76359
customers for eligible advanced energy projects for residential, 76360
commercial, and industrial business, local government, educational 76361

institution, nonprofit, and agriculture customers. The 76362
appropriation item may be used to match federal grant funding and 76363
to pay for the program's administrative costs as provided in 76364
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 76365
by the Director of Development Services. 76366

SPORTS EVENT GRANTS 76367

The foregoing appropriation item 195496, Sports Event Grants, 76368
shall be used for grants as described in sections 122.12 and 76369
122.121 of the Revised Code. 76370

SPORTS EVENT GRANTS REAPPROPRIATION 76371

On July 1, 2019, or as soon as possible thereafter, the 76372
Director of Development Services shall certify to the Director of 76373
Budget and Management the amount of the unexpended, unencumbered 76374
balance of appropriation item 195496, Sports Event Grants, to be 76375
reappropriated in fiscal year 2020. The amount certified is hereby 76376
reappropriated to the appropriation item in fiscal year 2020 for 76377
the same purpose. 76378

VOLUME CAP ADMINISTRATION 76379

The foregoing appropriation item 195654, Volume Cap 76380
Administration, shall be used for expenses related to the 76381
administration of the Volume Cap Program. Revenues received by the 76382
Volume Cap Administration Fund (Fund 6170) shall consist of 76383
application fees, forfeited deposits, and interest earned from the 76384
custodial account held by the Treasurer of State. 76385

Section 259.40. DEVELOPMENT SERVICES OPERATIONS 76386

The Director of Development Services may assess offices of 76387
the agency for the cost of central service operations. An 76388
assessment shall contain the characteristics of administrative 76389
ease and uniform application. A division's payments shall be 76390
credited to the Supportive Services Fund (Fund 1350) using an 76391

intrastate transfer voucher. 76392

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 76393

The foregoing appropriation item 195636, Development Services 76394
Reimbursable Expenditures, shall be used for reimbursable costs 76395
incurred by the agency. Revenues to the General Reimbursement Fund 76396
(Fund 6850) shall consist of moneys charged for administrative 76397
costs that are not central service costs and repayments of loans, 76398
including the interest thereon, made from the Water and Sewer Fund 76399
(Fund 4440). 76400

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 76401

The foregoing appropriation item 195628, Capital Access Loan 76402
Program, shall be used for operating, program, and administrative 76403
expenses of the program. Funds of the Capital Access Loan Program 76404
shall be used to assist participating financial institutions in 76405
making program loans to eligible businesses that face barriers in 76406
accessing working capital and obtaining fixed-asset financing. 76407
Loans financed with assistance under the Capital Access Loan 76408
Program are subject to Controlling Board approval. 76409

The Director of Budget and Management may transfer an amount 76410
not to exceed \$1,000,000 cash in each fiscal year from the 76411
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 76412
Access Loan Fund (Fund 5S90). This transfer is subject to 76413
Controlling Board approval. 76414

INNOVATION OHIO 76415

The foregoing appropriation item 195664, Innovation Ohio, 76416
shall be used to provide for Innovation Ohio purposes, including 76417
loan guarantees and loans under Chapter 166. and particularly 76418
sections 166.12 to 166.16 of the Revised Code. 76419

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 76420

Of the foregoing appropriation item 195664, Innovation Ohio, 76421

up to \$5,200,000 in fiscal year 2020 shall be used to offer a loan 76422
to The Ohio State University for the development and clinical 76423
evaluation of a non-opiate, non-addictive pharmaceutical treatment 76424
intervention's efficacy to reduce a physician's reliance upon and 76425
limit a patient's initial exposure to opioids, provided that the 76426
loan is structured so that meeting benchmarks allows future 76427
forgiveness of the loan. 76428

RESEARCH AND DEVELOPMENT 76429

The foregoing appropriation item 195665, Research and 76430
Development, shall be used to provide for research and development 76431
purposes, including loans, under Chapter 166. and particularly 76432
sections 166.17 to 166.21 of the Revised Code. 76433

FACILITIES ESTABLISHMENT 76434

The foregoing appropriation item 195615, Facilities 76435
Establishment, shall be used for the purposes of the Facilities 76436
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 76437
Code. 76438

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 76439

Notwithstanding Chapter 166. of the Revised Code, on July 1, 76440
2019, or as soon as possible thereafter, the Director of Budget 76441
and Management shall transfer \$25,000,000 cash from the Facilities 76442
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 76443
Fund (Fund 4Z60). The transfer is subject to Controlling Board 76444
approval under section 166.03 of the Revised Code. 76445

Notwithstanding Chapter 166. of the Revised Code, an amount 76446
not to exceed \$3,500,000 in cash in each fiscal year may be 76447
transferred from the Facilities Establishment Fund (Fund 7037) to 76448
the Business Assistance Fund (Fund 4510). The transfer is subject 76449
to Controlling Board approval under division (B) of section 166.03 76450
of the Revised Code. 76451

Notwithstanding Chapter 166. of the Revised Code, the 76452
Director of Budget and Management may transfer an amount not to 76453
exceed \$2,000,000 in cash in each fiscal year from the Facilities 76454
Establishment Fund (Fund 7037) to the Minority Business Enterprise 76455
Loan Fund (Fund 4W10). This transfer is subject to Controlling 76456
Board approval. 76457

Notwithstanding Chapter 166. of the Revised Code, the 76458
Director of Budget and Management may transfer an amount not to 76459
exceed \$2,000,000 in cash in each fiscal year from the Facilities 76460
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 76461
(Fund 5S90). This transfer is subject to Controlling Board 76462
approval. 76463

Section 259.60. THIRD FRONTIER OPERATING COSTS 76464

The foregoing appropriation items 195686, Third Frontier Tax 76465
Exempt - Operating, and 195620, Third Frontier Taxable - 76466
Operating, shall be used for operating expenses incurred by the 76467
Development Services Agency in administering projects pursuant to 76468
sections 184.10 to 184.20 of the Revised Code. Operating expenses 76469
paid from appropriation item 195686 shall be limited to the 76470
administration of projects funded from the Third Frontier Research 76471
& Development Fund (Fund 7011) and operating expenses paid from 76472
appropriation item 195620 shall be limited to the administration 76473
of projects funded from the Third Frontier Research & Development 76474
Taxable Bond Project Fund (Fund 7014). 76475

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 76476
PROJECTS** 76477

The foregoing appropriation items 195687, Third Frontier 76478
Research & Development Projects, and 195692, Research & 76479
Development Taxable Bond Projects, shall be used by the 76480
Development Services Agency to fund selected projects which may 76481
include internship programs. Eligible costs are those costs of 76482

research and development projects to which the proceeds of the 76483
Third Frontier Research & Development Fund (Fund 7011) and the 76484
Research & Development Taxable Bond Project Fund (Fund 7014) are 76485
to be applied. 76486

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 76487

The Director of Budget and Management may approve written 76488
requests from the Director of Development Services for the 76489
transfer of appropriations between appropriation items 195687, 76490
Third Frontier Research & Development Projects, and 195692, 76491
Research & Development Taxable Bond Projects, based upon awards 76492
recommended by the Third Frontier Commission. 76493

In fiscal year 2021, the Director of Development Services may 76494
request that the Director of Budget and Management reappropriate 76495
any unexpended, unencumbered balances of the prior fiscal year's 76496
appropriation to the foregoing appropriation items 195687, Third 76497
Frontier Research & Development Projects, and 195692, Research & 76498
Development Taxable Bond Projects, for fiscal year 2021. The 76499
Director of Budget and Management may request additional 76500
information necessary for evaluating these requests, and the 76501
Director of Development Services shall provide the requested 76502
information to the Director of Budget and Management. Based on the 76503
information provided by the Director of Development Services, the 76504
Director of Budget and Management shall determine the amounts to 76505
be reappropriated, and those amounts are hereby reappropriated for 76506
fiscal year 2021. 76507

Section 259.70. HEAP WEATHERIZATION 76508

Up to twenty per cent of the federal funds deposited to the 76509
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 76510
may be expended from appropriation item 195614, HEAP 76511
Weatherization, to provide home weatherization services in the 76512
state as determined by the Director of Development Services. 76513

Section 259.80. LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM 76514
PROGRAM 76515

On July 1, 2019, or as soon as possible thereafter, the 76516
Director of Development Services shall certify to the Director of 76517
Budget and Management the balance of the Lakes in Economic 76518
Distress Revolving Loan Fund (Fund 5RQ0). The amount certified is 76519
hereby reappropriated in FY 2020 to appropriation item 195546, 76520
Lakes in Economic Distress Revolving Loan Program, for the same 76521
purposes as described in section 122.641 of the Revised Code. 76522

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 76523
General Revenue Fund 76524

GRF	320411	Special Olympics	\$	100,000	\$	100,000	76525
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	76526
GRF	320415	Developmental	\$	19,695,400	\$	20,369,000	76527
		Disabilities					
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early	\$	300,000	\$	300,000	76528
		Identification					
GRF	322421	Part C Early	\$	23,236,369	\$	23,302,224	76529
		Intervention					
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	76530
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767	76531
		Services					
GRF	322502	Community Program	\$	25,000	\$	25,000	76532
		Support					
GRF	322508	Employment First	\$	2,747,327	\$	2,730,015	76533
		Initiative					
GRF	322509	Community Supports &	\$	727,500	\$	727,500	76534
		Rental Assistance					

GRF	322510	Best Buddies Ohio	\$	75,000	\$	75,000	76535
GRF	653321	Medicaid Program	\$	7,076,877	\$	7,078,860	76536
		Support - State					
GRF	653407	Medicaid Services	\$	672,567,500	\$	687,978,323	76537
TOTAL GRF		General Revenue Fund	\$	735,776,663	\$	751,911,612	76538
		Dedicated Purpose Fund Group					76539
2210	322620	Supplement Service	\$	500,000	\$	500,000	76540
		Trust					
4890	653632	Developmental Centers	\$	7,000,000	\$	7,000,000	76541
		Direct Care Services					
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000	76542
		Facilities					
5EV0	653627	Medicaid Program	\$	1,750,000	\$	1,750,000	76543
		Support					
5GE0	320606	Central Office	\$	18,501,132	\$	20,501,132	76544
		Operating Expenses					
5GE0	653606	ICF/IID and Waiver	\$	42,000,000	\$	56,000,000	76545
		Match					
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	76546
5QM0	320607	System Transformation	\$	250,000	\$	100,000	76547
		Supports					
5S20	653622	Medicaid	\$	25,220,326	\$	27,237,952	76548
		Administration &					
		Oversight					
5Z10	653624	County Board Waiver	\$	362,680,330	\$	426,668,369	76549
		Match					
TOTAL DPF		Dedicated Purpose Fund	\$	459,551,788	\$	541,407,453	76550
		Group					
		Internal Service Activity Fund Group					76551
1520	653609	DC and Residential	\$	8,719,347	\$	9,000,000	76552
		Facilities Operating					
		Services					

TOTAL ISA Internal Service Activity	\$	8,719,347	\$	9,000,000	76553
Fund Group					
Federal Fund Group					76554
3250 322612 Community Social	\$	26,997,635	\$	26,997,635	76555
Service Programs					
3A40 653654 Medicaid Services	\$	2,015,287,585	\$	2,129,279,373	76556
3A40 653655 Medicaid Support	\$	66,915,330	\$	69,657,028	76557
3A50 320613 Developmental	\$	3,200,000	\$	3,200,000	76558
Disabilities Council					
TOTAL FED Federal Fund Group	\$	2,112,400,550	\$	2,229,134,036	76559
TOTAL ALL BUDGET FUND GROUPS	\$	3,316,448,348	\$	3,531,453,101	76560

Section 261.15. SPECIAL OLYMPICS 76562

The foregoing appropriation item 320411, Special Olympics, 76563
shall be distributed to the Special Olympics of Ohio. 76564

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 76565

LEASE-RENTAL BOND PAYMENTS 76566

The foregoing appropriation item 320415, Developmental 76567
Disabilities Facilities Lease Rental Bond Payments, shall be used 76568
to meet all payments during the period from July 1, 2019, through 76569
June 30, 2021, by the Department of Developmental Disabilities 76570
pursuant to leases and agreements made under section 154.20 of the 76571
Revised Code. These appropriations are the source of funds pledged 76572
for bond service charges on related obligations issued under 76573
Chapter 154. of the Revised Code. 76574

Section 261.30. SCREENING AND EARLY IDENTIFICATION 76575

At the discretion of the Director of Developmental 76576
Disabilities, the foregoing appropriation item 322420, Screening 76577
and Early Identification, shall be used for professional and 76578
program development related to early identification/screening and 76579

intervention for children with autism and other complex 76580
developmental disabilities and their families. 76581

Section 261.35. PART C EARLY INTERVENTION 76582

Of the foregoing appropriation item 322421, Part C Early 76583
Intervention, \$750,000 in each fiscal year shall be used to 76584
contract with the Cleveland Sight Center, the Cincinnati 76585
Association for the Blind and Visually Impaired, and the Sight 76586
Center of Northwest Ohio to provide early intervention services 76587
and family support to children under the age of three years old 76588
with blindness or low vision. 76589

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 76590

The foregoing appropriation item 322451, Family Support 76591
Services, may be used as follows in fiscal year 2020 and fiscal 76592
year 2021: 76593

(A) The appropriation item may be used to provide a subsidy 76594
to county boards of developmental disabilities for family support 76595
services provided under section 5126.11 of the Revised Code. The 76596
subsidy shall be paid in quarterly installments and allocated to 76597
county boards according to a formula the Director of Developmental 76598
Disabilities shall develop in consultation with representatives of 76599
county boards. A county board shall use not more than seven per 76600
cent of its subsidy for administrative costs. 76601

(B) The appropriation item may be used to distribute funds to 76602
county boards for the purpose of addressing economic hardships and 76603
to promote efficiency of operations. In consultation with 76604
representatives of county boards, the Director shall determine the 76605
amount of funds to distribute for these purposes and the criteria 76606
for distributing the funds. 76607

Section 261.50. BEST BUDDIES OHIO 76608

The foregoing appropriation item 322510, Best Buddies Ohio, 76609
shall be provided to the Best Buddies Ohio program to support the 76610
delivery and expansion of inclusion services throughout Ohio 76611
colleges and communities. 76612

Section 261.60. EMPLOYMENT FIRST INITIATIVE 76613

The foregoing appropriation item 322508, Employment First 76614
Initiative, shall be used to increase employment opportunities for 76615
individuals with developmental disabilities through the Employment 76616
First Initiative in accordance with section 5123.022 of the 76617
Revised Code. 76618

Of the foregoing appropriation item, 322508, Employment First 76619
Initiative, the Director of Developmental Disabilities shall 76620
transfer, in each fiscal year, to the Opportunities for Ohioans 76621
with Disabilities Agency an amount agreed upon by the Director of 76622
Developmental Disabilities and the Executive Director of the 76623
Opportunities for Ohioans with Disabilities Agency. The transfer 76624
shall be made via an intrastate transfer voucher. The transferred 76625
funds shall be used to support the Employment First Initiative. 76626
The Opportunities for Ohioans with Disabilities Agency shall use 76627
the funds transferred as state matching funds to obtain available 76628
federal grant dollars for vocational rehabilitation services. Any 76629
federal match dollars received by the Opportunities for Ohioans 76630
with Disabilities Agency shall be used for the initiative. The 76631
Director of Developmental Disabilities and the Executive Director 76632
of the Opportunities for Ohioans with Disabilities Agency shall 76633
enter into an interagency agreement in accordance with section 76634
3304.181 of the Revised Code that will specify the 76635
responsibilities of each agency under the initiative. Under the 76636
interagency agreement, the Opportunities for Ohioans with 76637
Disabilities Agency shall retain responsibility for eligibility 76638
determination, order of selection, plan approval, plan amendment, 76639

and release of vendor payments. 76640

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 76641
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Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 76646

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding. 76647
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Section 261.75. COMMUNITY PROGRAM SUPPORT 76660

The foregoing appropriation item 322502, Community Program Support, shall be distributed to the Halom House, Inc. 76661
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Section 261.80. MEDICAID SERVICES 76663

(A) As used in this section: 76664

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 76665
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(2) "ICF/IID services" has the same meaning as in section 76667

5124.01 of the Revised Code.	76668
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	76669 76670 76671
(1) Home and community-based services;	76672
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	76673 76674 76675 76676
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	76677 76678 76679 76680
(4) ICF/IID services; and	76681
(5) Other programs as identified by the Director of Developmental Disabilities.	76682 76683
Section 261.90. OPERATING AND SERVICES	76684
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	76685 76686 76687 76688
Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES	76689 76690
Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).	76691 76692 76693 76694
Section 261.110. SYSTEM TRANSFORMATION SUPPORTS	76695

The foregoing appropriation item 320607, System Transformation Supports, may be used by the Director of Developmental Disabilities to fund system transformation initiatives identified by the Director.

Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS 76700

A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:

(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:

(1) Conduct forums and hearings; 76709

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties; 76710
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(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business; 76714
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(4) Hire staff; 76717

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions. 76718
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(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement. 76721
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Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 76723

As used in this section, "home and community-based services" 76724
has the same meaning as in section 5123.01 of the Revised Code. 76725

The Director of Developmental Disabilities shall establish a 76726
methodology to be used in fiscal year 2020 and fiscal year 2021 to 76727
estimate the quarterly amount each county board of developmental 76728
disabilities is to pay of the nonfederal share of home and 76729
community-based services that section 5126.0510 of the Revised 76730
Code requires county boards to pay. Each quarter, the Director 76731
shall submit to a county board written notice of the amount the 76732
county board is to pay for that quarter. The notice shall specify 76733
when the payment is due. 76734

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 76735

If a county board of developmental disabilities does not 76736
fully pay any amount owed to the Department of Developmental 76737
Disabilities by the due date established by the Department, the 76738
Director of Developmental Disabilities may withhold the amount the 76739
county board did not pay from any amounts due to the county board. 76740
The Director may use any appropriation item or fund used by the 76741
Department to transfer cash to any other fund used by the 76742
Department in an amount equal to the amount owed the Department 76743
that the county board did not pay. Transfers under this section 76744
shall be made using an intrastate transfer voucher. 76745

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 76746

Developmental centers of the Department of Developmental 76747
Disabilities may provide services to persons with developmental 76748
disabilities living in the community or to providers of services 76749
to these persons. The Department may develop a method for recovery 76750
of all costs associated with the provision of these services. 76751

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS 76752

(A) In fiscal year 2020 and fiscal year 2021, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient 76783
to whom both of the following apply: 76784

(a) The Medicaid recipient is eligible for the ICF/IID 76785
services; 76786

(b) The Medicaid recipient does not occupy a bed in the 76787
ICF/IID that used to be included in the Medicaid-certified 76788
capacity of another ICF/IID certified by the Director of Health 76789
before June 1, 2003. 76790

(3) The ICF/IID services are provided by an ICF/IID whose 76791
Medicaid certification by the Director of Health was initiated or 76792
supported by a county board of developmental disabilities. 76793

(4) The provider of the ICF/IID services has a valid Medicaid 76794
provider agreement for the services for the time that the services 76795
are provided. 76796

(C) When required by division (B) of this section to pay the 76797
nonfederal share of a claim, the Director of Developmental 76798
Disabilities shall use the following funds to pay the claim: 76799

(1) Funds available from appropriation item 653407, Medicaid 76800
Services, that the Director allocates to the county board that 76801
initiated or supported the Medicaid certification of the ICF/IID 76802
that provided the ICF/IID services for which the claim is made; 76803

(2) If the amount of funds used pursuant to division (C)(1) 76804
of this section is insufficient to pay the claim in full, an 76805
amount of funds that are needed to make up the difference and 76806
available from amounts the Director allocates to other county 76807
boards from appropriation item 653407, Medicaid Services. 76808

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 76809
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 76810

(A) As used in this section: 76811

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid

provider provides to a qualifying IO enrollee during the period 76842
specified in division (C) of this section shall be fifty-two cents 76843
higher than the Medicaid payment rate in effect on the day the 76844
services are provided for each fifteen minutes of routine 76845
homemaker/personal care services that a Medicaid provider provides 76846
to an IO enrollee who is not a qualifying IO enrollee. 76847

(C) Division (B) of this section applies to the first twelve 76848
months, consecutive or otherwise, that a Medicaid provider, during 76849
the period beginning July 1, 2019, and ending July 1, 2021, 76850
provides routine homemaker/personal care services to a qualifying 76851
IO enrollee. 76852

(D) Of the foregoing appropriation items 653407, Medicaid 76853
Services, and 653654, Medicaid Services, portions shall be used to 76854
pay the Medicaid payment rate determined in accordance with this 76855
section for routine homemaker/personal care services provided to 76856
qualifying IO enrollees. 76857

Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE 76858

(A) As used in this section: 76859

(1) "DD-administered waiver" means a Medicaid waiver 76860
component, as defined in section 5166.01 of the Revised Code, 76861
administered by the Department of Developmental Disabilities. 76862

(2) "Direct support professional" means an individual who 76863
works directly with people with developmental disabilities. 76864

(3) "Homemaker/personal care services" means the coordinated 76865
provision of a variety of services, supports, and supervision to 76866
which all of the following apply: 76867

(a) They are necessary to ensure the health and welfare of an 76868
individual with a developmental disability who lives in the 76869
community. 76870

(b) They advance the individual's independence within the 76871

individual's home and community.				76872
(c) They help the individual meet daily living needs.				76873
(B) The Medicaid payment rate for homemaker/personal care services provided by direct support professionals under a DD-administered waiver shall be the following:				76874 76875 76876
(1) For the period beginning January 1, 2020, and ending January 1, 2021, \$12.82 per hour;				76877 76878
(2) For the period beginning January 1, 2021, and ending July 1, 2021, \$13.23 per hour.				76879 76880
Section 265.10. EDU DEPARTMENT OF EDUCATION				76881
General Revenue Fund				76882
GRF 200321 Operating Expenses	\$	15,078,032	\$ 16,490,951	76883
GRF 200408 Early Childhood Education	\$	68,116,789	\$ 68,116,789	76884
GRF 200420 Information Technology Development and Support	\$	4,004,299	\$ 4,026,960	76885
GRF 200422 School Management Assistance	\$	2,385,580	\$ 2,408,711	76886
GRF 200424 Policy Analysis	\$	458,232	\$ 457,676	76887
GRF 200426 Ohio Educational Computer Network	\$	15,457,000	\$ 15,457,000	76888
GRF 200427 Academic Standards	\$	4,434,215	\$ 4,483,525	76889
GRF 200437 Student Assessment	\$	56,906,893	\$ 56,948,365	76890
GRF 200439 Accountability/Report Cards	\$	7,517,406	\$ 7,565,320	76891
GRF 200442 Child Care Licensing	\$	2,156,322	\$ 2,227,153	76892
GRF 200446 Education Management Information System	\$	8,112,987	\$ 8,174,415	76893
GRF 200448 Educator Preparation	\$	11,785,384	\$ 7,285,384	76894

GRF 200455	Community Schools and Choice Programs	\$ 4,867,763	\$ 4,912,546	76895
GRF 200465	Education Technology Resources	\$ 5,179,664	\$ 5,179,664	76896
GRF 200478	Industry-Recognized Credentials High School Students	\$ 25,000,000	\$ 25,000,000	76897
GRF 200502	Pupil Transportation	\$ 527,129,809	\$ 527,129,809	76898
GRF 200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500	76899
GRF 200511	Auxiliary Services	\$ 156,316,757	\$ 156,316,757	76900
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 70,620,112	\$ 70,620,112	76901
GRF 200540	Special Education Enhancements	\$ 152,600,000	\$ 152,850,000	76902
GRF 200545	Career-Technical Education Enhancements	\$ 9,650,892	\$ 9,650,892	76903
GRF 200550	Foundation Funding	\$ 6,943,108,845	\$ 6,774,258,845	76904
GRF 200566	Literacy Improvement	\$ 1,352,876	\$ 1,352,172	76905
GRF 200572	Adult Education Programs	\$ 10,207,674	\$ 10,207,674	76906
GRF 200573	EdChoice Expansion	\$ 57,223,340	\$ 121,017,418	76907
GRF 200574	Half-Mill Maintenance Equalization	\$ 18,849,207	\$ 18,128,526	76908
GRF 200576	Adaptive Sports Program	\$ 250,000	\$ 250,000	76909
GRF 200597	Program and Project Support	\$ 625,000	\$ 625,000	76910
GRF 200599	Montessori Community Schools	\$ 100,000	\$ 100,000	76911
GRF 657401	Medicaid in Schools	\$ 297,978	\$ 297,978	76912
TOTAL GRF	General Revenue Fund	\$ 8,188,756,556	\$ 8,080,503,142	76913
	Dedicated Purpose Fund Group			76914

4520	200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	76915
4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000	76916
4L20	200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000	76917
5980	200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000	76918
5H30	200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000	76919
5KX0	200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000	76920
5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000	76921
5U20	200685	National Education Statistics	\$	170,675	\$	175,000	76922
5VS0	200604	Student Wellness and Success	\$	250,000,000	\$	300,000,000	76923
6200	200615	Educational Improvement Grants	\$	594,443	\$	600,000	76924
TOTAL DPF Dedicated Purpose Fund Group			\$	271,660,945	\$	321,875,000	76925
Internal Service Activity Fund Group							76926
1380	200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645	76927
4R70	200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	76928
4V70	200633	Interagency Program Support	\$	5,497,938	\$	5,500,000	76929
TOTAL ISA Internal Service Activity Fund Group			\$	21,293,808	\$	21,404,411	76930
State Lottery Fund Group							76931

7017	200602	School Climate Grants	\$	2,000,000	\$	2,000,000	76932
7017	200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000	76933
7017	200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000	76934
7017	200631	Quality Community Schools Support	\$	20,000,000	\$	20,000,000	76935
7017	200636	Enrollment Growth Supplement	\$	15,500,000	\$	23,000,000	76936
7017	200647	School Improvement	\$	10,000,000	\$	10,000,000	76937
7017	200684	Community School Facilities	\$	20,600,000	\$	20,600,000	76938
TOTAL SLF		State Lottery Fund Group	\$	1,151,000,000	\$	1,327,000,000	76939
		Federal Fund Group					76940
3670	200607	School Food Services	\$	11,469,730	\$	11,897,473	76941
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000	76942
3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500	76943
3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000	76944
3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000	76945
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000	76946
3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000	76947
3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000	76948
3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299	76949
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074	76950
3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327	76951
3HI0	200634	Student Support and	\$	40,042,720	\$	40,042,720	76952

		Academic Enrichment				
3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000 76953
3L70	200618	Federal School	\$	158,726,966	\$	163,350,081 76954
		Breakfast				
3L80	200619	Child/Adult Food	\$	110,121,168	\$	113,328,580 76955
		Programs				
3L90	200621	Career-Technical	\$	45,946,927	\$	46,000,000 76956
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000 76957
3M20	200680	Individuals with	\$	454,770,591	\$	455,000,000 76958
		Disabilities				
		Education Act				
3T40	200613	Public Charter	\$	7,000,000	\$	7,000,000 76959
		Schools				
3Y20	200688	21st Century	\$	47,500,000	\$	47,500,000 76960
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	85,000,000	\$	85,000,000 76961
		Quality				
3Y70	200689	English Language	\$	10,500,000	\$	10,500,000 76962
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,600,000	\$	3,600,000 76963
		Technical Assistance				
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000 76964
3Z30	200645	Consolidated Federal	\$	10,701,635	\$	10,900,000 76965
		Grant Administration				
TOTAL FED		Federal Fund Group	\$	2,093,937,196	\$	2,115,861,054 76966
TOTAL ALL BUDGET FUND GROUPS			\$	11,726,648,505	\$	11,866,643,607 76967

Section 265.20. OPERATING EXPENSES 76969

A portion of the foregoing appropriation item 200321, 76970
 Operating Expenses, shall be used by the Department of Education 76971
 to provide matching funds related to career-technical education 76972

under 20 U.S.C. 2321. 76973

EARLY CHILDHOOD EDUCATION 76974

The Department of Education shall distribute the foregoing 76975
appropriation item 200408, Early Childhood Education, to pay the 76976
costs of early childhood education programs. The Department shall 76977
distribute such funds directly to qualifying providers. 76978

(A) As used in this section: 76979

(1) "Provider" means a city, local, exempted village, or 76980
joint vocational school district; an educational service center; a 76981
community school sponsored by an exemplary sponsor; a chartered 76982
nonpublic school; an early childhood education child care provider 76983
licensed under Chapter 5104. of the Revised Code that participates 76984
in and meets at least the third highest tier of the Step Up to 76985
Quality program established pursuant to section 5104.29 of the 76986
Revised Code; or a combination of entities described in this 76987
paragraph. 76988

(2) In the case of a city, local, or exempted village school 76989
district or early childhood education child care provider licensed 76990
under Chapter 5104. of the Revised Code, "new eligible provider" 76991
means a provider that did not receive state funding for Early 76992
Childhood Education in the previous fiscal year or demonstrates a 76993
need for early childhood programs as defined in division (D) of 76994
this section. 76995

(3) In the case of a community school, "new eligible 76996
provider" means any of the following: 76997

(a) A community school established under Chapter 3314. of the 76998
Revised Code that is sponsored by a sponsor rated "exemplary" in 76999
accordance with section 3314.016 of the Revised Code that offers a 77000
child care program in accordance with sections 3301.50 to 3301.59 77001
of the Revised Code that did not receive state funding for Early 77002
Childhood Education in the previous fiscal year; 77003

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 77004
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(i) It has received, on its most recent report card, either of the following: 77006
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(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 77008
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(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 77013
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77016

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 77017
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(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 77019
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(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section. 77021
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(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of 77031
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section 5101.46 of the Revised Code. Children with an 77035
Individualized Education Program and where the Early Childhood 77036
Education program is the least restrictive environment may be 77037
enrolled on their fourth birthday. 77038

(b) If, on the first day of October of each fiscal year, a 77039
provider has remaining award funds after enrolling eligible 77040
children under division (A)(4)(a) of this section, the provider 77041
may seek approval from the Department to consider a child who is 77042
at least three years of age, is not of age to be eligible for 77043
kindergarten, and whose family earns not more than two hundred per 77044
cent of the federal poverty guidelines as an eligible child. Upon 77045
approval from the Department, the provider may use the remaining 77046
award funds to serve such three-year-old children as eligible 77047
children. Division (A)(4)(b) of this section does not apply to a 77048
provider described in division (A)(3)(c) of this section. 77049

(5) "Early learning program standards" means early learning 77050
program standards for school readiness developed by the Department 77051
to assess the operation of early learning and development 77052
programs. 77053

(6) "Early learning and development programs" has the same 77054
meaning as section 5104.29 of the Revised Code. 77055

(B) In each fiscal year, up to two per cent of the total 77056
appropriation may be used by the Department for program support 77057
and technical assistance. The Department shall distribute the 77058
remainder of the appropriation in each fiscal year to serve 77059
eligible children. 77060

(C) The Department shall provide an annual report to the 77061
Governor, the Speaker of the House of Representatives, and the 77062
President of the Senate and post the report to the Department's 77063
web site, regarding early childhood education programs operated 77064
under this section and the early learning program standards. 77065

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B. 49 of the 132nd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2021, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall

be distributed on a per-pupil basis, and in accordance with 77098
division (I) of this section. The Department may adjust the 77099
per-pupil amount so that the per-pupil amount multiplied by the 77100
number of eligible children enrolled and receiving services on the 77101
first day of December or the business day closest to that date 77102
equals the amount allocated under this section. 77103

(F) Costs for developing and administering an early childhood 77104
education program may not exceed fifteen per cent of the total 77105
approved costs of the program. 77106

All providers shall maintain such fiscal control and 77107
accounting procedures as may be necessary to ensure the 77108
disbursement of, and accounting for, these funds. The control of 77109
funds provided in this program, and title to property obtained, 77110
shall be under the authority of the approved provider for purposes 77111
provided in the program unless, as described in division (K) of 77112
this section, the program waives its right for funding or a 77113
program's funding is eliminated or reduced due to its inability to 77114
meet financial or early learning program standards. The approved 77115
provider shall administer and use such property and funds for the 77116
purposes specified. 77117

(G) The Department may examine a provider's financial and 77118
program records. If the financial practices of the program are not 77119
in accordance with standard accounting principles or do not meet 77120
financial standards outlined under division (F) of this section, 77121
or if the program fails to substantially meet the early learning 77122
program standards, meet a quality rating level in the Step Up to 77123
Quality program established pursuant to section 5104.29 of the 77124
Revised Code as prescribed by the Department, or exhibits below 77125
average performance as measured against the standards, the early 77126
childhood education program shall propose and implement a 77127
corrective action plan that has been approved by the Department. 77128
The approved corrective action plan shall be signed by the chief 77129

executive officer and the executive of the official governing body 77130
of the provider. The corrective action plan shall include a 77131
schedule for monitoring by the Department. Such monitoring may 77132
include monthly reports, inspections, a timeline for correction of 77133
deficiencies, and technical assistance to be provided by the 77134
Department or obtained by the early childhood education program. 77135
The Department may withhold funding pending corrective action. If 77136
an early childhood education program fails to satisfactorily 77137
complete a corrective action plan, the Department may deny 77138
expansion funding to the program or withdraw all or part of the 77139
funding to the program and establish a new eligible provider 77140
through a selection process established by the Department. 77141

(H)(1) If the early childhood education program is licensed 77142
by the Department of Education and is not highly rated, as 77143
determined by the Director of Job and Family Services, under the 77144
Step Up to Quality program established pursuant to section 5104.29 77145
of the Revised Code, the program shall do all of the following: 77146

(a) Meet teacher qualification requirements prescribed by 77147
section 3301.311 of the Revised Code; 77148

(b) Align curriculum to the early learning content standards 77149
developed by the Department; 77150

(c) Meet any child or program assessment requirements 77151
prescribed by the Department; 77152

(d) Require teachers, except teachers enrolled and working to 77153
obtain a degree pursuant to section 3301.311 of the Revised Code, 77154
to attend a minimum of twenty hours every two years of 77155
professional development as prescribed by the Department; 77156

(e) Document and report child progress as prescribed by the 77157
Department; 77158

(f) Meet and report compliance with the early learning 77159
program standards as prescribed by the Department; 77160

(g) Participate in the Step Up to Quality program established 77161
pursuant to section 5104.29 of the Revised Code. 77162

(2) If the program is highly rated, as determined by the 77163
Director of Job and Family Services, under the Step Up to Quality 77164
program established pursuant to section 5104.29 of the Revised 77165
Code, the program shall comply with the requirements of that 77166
program. 77167

(I) Per-pupil funding for programs subject to this section 77168
shall be sufficient to provide eligible children with services for 77169
a standard early childhood schedule which shall be defined in this 77170
section as a minimum of twelve and one-half hours per school week 77171
as defined in section 3313.62 of the Revised Code for the minimum 77172
school year as defined in sections 3313.48, 3313.481, and 3313.482 77173
of the Revised Code. Nothing in this section shall be construed to 77174
prohibit program providers from utilizing other funds to serve 77175
eligible children in programs that exceed the twelve and one-half 77176
hours per week or that exceed the minimum school year. For any 77177
provider for which a standard early childhood education schedule 77178
creates a hardship or for which the provider shows evidence that 77179
the provider is working in collaboration with a preschool special 77180
education program, the provider may submit a waiver to the 77181
Department requesting an alternate schedule. If the Department 77182
approves a waiver for an alternate schedule that provides services 77183
for less time than the standard early childhood education 77184
schedule, the Department may reduce the provider's annual 77185
allocation proportionately. Under no circumstances shall an annual 77186
allocation be increased because of the approval of an alternate 77187
schedule. 77188

(J) Each provider shall develop a sliding fee scale based on 77189
family incomes and shall charge families who earn more than two 77190
hundred per cent of the federal poverty guidelines, as defined in 77191
division (A)(3) of section 5101.46 of the Revised Code, for the 77192

early childhood education program. 77193

The Department shall conduct an annual survey of each 77194
provider to determine whether the provider charges families 77195
tuition or fees, the amount families are charged relative to 77196
family income levels, and the number of families and students 77197
charged tuition and fees for the early childhood program. 77198

(K) If an early childhood education program voluntarily 77199
waives its right for funding, or has its funding eliminated for 77200
not meeting financial standards or the early learning program 77201
standards, the provider shall transfer control of title to 77202
property, equipment, and remaining supplies obtained through the 77203
program to providers designated by the Department and return any 77204
unexpended funds to the Department along with any reports 77205
prescribed by the Department. The funding made available from a 77206
program that waives its right for funding or has its funding 77207
eliminated or reduced may be used by the Department for new grant 77208
awards or expansion grants. The Department may award new grants or 77209
expansion grants to eligible providers who apply. The eligible 77210
providers who apply must do so in accordance with the selection 77211
process established by the Department. 77212

(L) Eligible expenditures for the Early Childhood Education 77213
Program shall be claimed each fiscal year to help meet the state's 77214
TANF maintenance of effort requirement. The Superintendent of 77215
Public Instruction and the Director of Job and Family Services 77216
shall enter into an interagency agreement to carry out the 77217
requirements under this division, which shall include developing 77218
reporting guidelines for these expenditures. 77219

(M)(1) The Department of Education and the Department of Job 77220
and Family Services shall continue to work toward establishing the 77221
following in common between early childhood education programs and 77222
publicly funded child care: 77223

(a) An application;	77224
(b) Program eligibility;	77225
(c) Funding;	77226
(d) An attendance policy;	77227
(e) An attendance tracking system.	77228
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	77229 77230 77231 77232
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.	77233 77234 77235 77236 77237
Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT	77238 77239
The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.	77240 77241 77242 77243 77244 77245 77246 77247 77248 77249 77250 77251 77252 77253

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 77254

The foregoing appropriation item 200422, School Management 77255
Assistance, shall be used by the Department of Education to 77256
provide fiscal technical assistance and inservice education for 77257
school district management personnel and to administer, monitor, 77258
and implement the fiscal caution, fiscal watch, and fiscal 77259
emergency provisions under Chapter 3316. of the Revised Code. 77260

Section 265.60. POLICY ANALYSIS 77261

The foregoing appropriation item 200424, Policy Analysis, 77262
shall be used by the Department of Education to support a system 77263
of administrative, statistical, and legislative education 77264
information to be used for policy analysis. Staff supported by 77265
this appropriation shall administer the development of reports, 77266
analyses, and briefings to inform education policymakers of 77267
current trends in education practice, efficient and effective use 77268
of resources, and evaluation of programs to improve education 77269
results. A portion of these funds shall be used to maintain a 77270
longitudinal database to support the assessment of the impact of 77271
policies and programs on Ohio's education and workforce 77272
development systems. The research efforts supported by this 77273
appropriation item shall be used to supply information and 77274
analysis of data to and in consultation with the General Assembly 77275
and other state policymakers, including the Office of Budget and 77276
Management and the Legislative Service Commission. 77277

A portion of the foregoing appropriation item, 200424, Policy 77278
Analysis, may be used by the Department to support the development 77279
and implementation of an evidence-based clearinghouse to support 77280
school improvement strategies as part of the Every Student 77281
Succeeds Act. 77282

The Department may use funding from this appropriation item 77283

to purchase or contract for the development of software systems or 77284
contract for policy studies that will assist in the provision and 77285
analysis of policy-related information. Funding from this 77286
appropriation item also may be used to monitor and enhance quality 77287
assurance for research-based policy analysis and program 77288
evaluation to enhance the effective use of education information 77289
to inform education policymakers. 77290

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 77291

The foregoing appropriation item 200426, Ohio Educational 77292
Computer Network, shall be used by the Department of Education to 77293
maintain a system of information technology throughout Ohio and to 77294
provide technical assistance for such a system. 77295

Of the foregoing appropriation item 200426, Ohio Educational 77296
Computer Network, up to \$9,686,658 in each fiscal year shall be 77297
used by the Department to support connection of all public school 77298
buildings and participating chartered nonpublic schools to the 77299
state's education network, to each other, and to the Internet. In 77300
each fiscal year, the Department shall use these funds to assist 77301
information technology centers or school districts with the 77302
operational costs associated with this connectivity. The 77303
Department shall develop a formula and guidelines for the 77304
distribution of these funds to information technology centers or 77305
individual school districts. As used in this section, "public 77306
school building" means a school building of any city, local, 77307
exempted village, or joint vocational school district, any 77308
community school established under Chapter 3314. of the Revised 77309
Code, any college preparatory boarding school established under 77310
Chapter 3328. of the Revised Code, any STEM school established 77311
under Chapter 3326. of the Revised Code, any educational service 77312
center building used for instructional purposes, the Ohio School 77313
for the Deaf and the Ohio School for the Blind, high schools 77314

chartered by the Ohio Department of Youth Services, or high 77315
schools operated by Ohio Department of Rehabilitation and 77316
Corrections' Ohio Central School System. 77317

Of the foregoing appropriation item 200426, Ohio Educational 77318
Computer Network, up to \$4,843,329 in each fiscal year shall be 77319
used, through a formula and guidelines devised by the Department, 77320
to support the activities of designated information technology 77321
centers, as defined by State Board of Education rules, to provide 77322
school districts and chartered nonpublic schools with 77323
computer-based student and teacher instructional and 77324
administrative information services, including approved 77325
computerized financial accounting, to ensure the effective 77326
operation of local automated administrative and instructional 77327
systems, and to monitor and support the quality of data submitted 77328
to the Department. 77329

The remainder of appropriation item 200426, Ohio Educational 77330
Computer Network, shall be used to support the work of the 77331
development, maintenance, and operation of a network of uniform 77332
and compatible computer-based information systems as well as the 77333
teacher student linkage/roster verification process and systems to 77334
support electronic sharing of student records and transcripts 77335
between entities. This technical assistance shall include, but not 77336
be restricted to, development and maintenance of adequate computer 77337
software systems to support network activities. In order to 77338
improve the efficiency of network activities, the Department and 77339
information technology centers may jointly purchase equipment, 77340
materials, and services from funds provided under this 77341
appropriation for use by the network and, when considered 77342
practical by the Department, may utilize the services of 77343
appropriate state purchasing agencies. 77344

Section 265.80. ACADEMIC STANDARDS 77345

The foregoing appropriation item 200427, Academic Standards, 77346
shall be used by the Department of Education to develop and 77347
communicate to school districts academic content standards and 77348
curriculum models and to develop professional development programs 77349
and other tools on the new content standards and model curriculum. 77350
The Department shall use a portion of these funds in partnership 77351
with educational service centers, consistent with requirements of 77352
section 3312.01 of the Revised Code, in the development and 77353
delivery of professional development programs supported under this 77354
section. 77355

Section 265.90. STUDENT ASSESSMENT 77356

Of the foregoing appropriation item 200437, Student 77357
Assessment, up to \$2,760,000 in each fiscal year may be used to 77358
support the state's early learning assessment work and the 77359
assessments required under section 3301.0715 of the Revised Code. 77360

Of the foregoing appropriation item 200437, Student 77361
Assessment, up to \$543,168 in each fiscal year shall be used to 77362
reimburse a portion of the costs associated with Advanced 77363
Placement Tests for low-income students. 77364

The remainder of appropriation item 200437, Student 77365
Assessment, shall be used to develop, field test, print, 77366
distribute, score, report results, and support other associated 77367
costs for the tests required under sections 3301.0710, 3301.0711, 77368
and 3301.0712 of the Revised Code and for similar purposes as 77369
required by section 3301.27 of the Revised Code. The funds may 77370
also be used to update and develop diagnostic assessments 77371
administered under sections 3301.079, 3301.0715, and 3313.608 of 77372
the Revised Code. 77373

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 77374
ASSESSMENT 77375

In fiscal year 2020 and fiscal year 2021, if the 77376
Superintendent of Public Instruction determines that additional 77377
funds are needed to fully fund the requirements of sections 77378
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 77379
and this act for assessments of student performance, the 77380
Superintendent may recommend the reallocation of unexpended and 77381
unencumbered General Revenue Fund appropriations within the 77382
Department of Education to appropriation item 200437, Student 77383
Assessment, to the Director of Budget and Management. If the 77384
Director determines that such a reallocation is required, the 77385
Director may transfer unexpended and unencumbered appropriations 77386
within the Department of Education as necessary to appropriation 77387
item 200437, Student Assessment. 77388

Section 265.100. ACCOUNTABILITY/REPORT CARDS 77389

Of the foregoing appropriation item 200439, 77390
Accountability/Report Cards, a portion in each fiscal year shall 77391
be used to train district and regional specialists and district 77392
educators in the use of the value-added progress dimension and in 77393
the use of data as it relates to improving student achievement. 77394
This training may include teacher and administrator professional 77395
development in the use of data to improve instruction and student 77396
learning, and teacher and administrator training in understanding 77397
teacher value-added reports and how they can be used as a 77398
component in measuring teacher and administrator effectiveness. A 77399
portion of this funding shall be provided to educational service 77400
centers to support training and professional development under 77401
this section consistent with section 3312.01 of the Revised Code. 77402

The remainder of appropriation item 200439, 77403
Accountability/Report Cards, shall be used by the Department of 77404
Education to incorporate a statewide value-added progress 77405
dimension into performance ratings for school districts and for 77406

the development of an accountability system that includes the 77407
preparation and distribution of school report cards, funding and 77408
expenditure accountability reports under sections 3302.03 and 77409
3302.031 of the Revised Code, the development and maintenance of 77410
teacher value-added reports, the teacher student linkage/roster 77411
verification process, and the performance management section of 77412
the Department's web site required by section 3302.26 of the 77413
Revised Code. 77414

CHILD CARE LICENSING 77415

The foregoing appropriation item 200442, Child Care 77416
Licensing, shall be used by the Department of Education to license 77417
and to inspect preschool and school-age child care programs under 77418
sections 3301.52 to 3301.59 of the Revised Code. 77419

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 77420

The foregoing appropriation item 200446, Education Management 77421
Information System, shall be used by the Department of Education 77422
to improve the Education Management Information System (EMIS). 77423

Of the foregoing appropriation item 200446, Education 77424
Management Information System, up to \$400,000 in each fiscal year 77425
shall be used to support grants to information technology centers 77426
to provide professional development opportunities to district and 77427
school personnel related to the EMIS, with a focus placed on data 77428
submission and data quality. 77429

Of the foregoing appropriation item 200446, Education 77430
Management Information System, up to \$725,000 in each fiscal year 77431
shall be distributed to designated information technology centers 77432
for costs relating to processing, storing, and transferring data 77433
for the effective operation of the EMIS. These costs may include, 77434
but are not limited to, personnel, hardware, software development, 77435
communications connectivity, professional development, and support 77436

services. 77437

The remainder of appropriation item 200446, Education 77438
Management Information System, shall be used to develop and 77439
support the data definitions and standards outlined in the EMIS 77440
guidelines adopted under section 3301.0714 of the Revised Code, to 77441
implement recommendations of the EMIS Advisory Council and the 77442
Superintendent of Public Instruction, to enhance data quality 77443
assurance practices, and to support responsibilities related to 77444
the school report cards prescribed by section 3302.03 of the 77445
Revised Code and value-added progress dimension calculations. 77446

Section 265.120. EDUCATOR PREPARATION 77447

(A) Of the foregoing appropriation item 200448, Educator 77448
Preparation, up to \$339,783 in each fiscal year may be used by the 77449
Department of Education to monitor and support Ohio's State System 77450
of Support, as defined by the Every Student Succeeds Act. 77451

(B) Of the foregoing appropriation item 200448, Educator 77452
Preparation, up to \$67,957 in each fiscal year may be used by the 77453
Department to support the Educator Standards Board under section 77454
3319.61 of the Revised Code and reforms under sections 3302.042, 77455
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 77456
Revised Code. 77457

(C) Of the foregoing appropriation item 200448, Educator 77458
Preparation, \$2,000,000 in each fiscal year shall be distributed 77459
to Teach For America to increase recruitment of potential corps 77460
members, to train and develop first-year and second-year teachers 77461
in the Teach for America program in Ohio, and to support the 77462
ongoing development and impact of Teach for America alumni working 77463
in Ohio. 77464

(D) Of the foregoing appropriation item 200448, Educator 77465
Preparation, \$1,000,000 in each fiscal year shall be used for the 77466

Bright New Leaders for Ohio Schools Program administered by the 77467
Ohio State University Fisher College of Business and College of 77468
Education and Human Ecology pursuant to section 3319.272 of the 77469
Revised Code to provide an alternative path for individuals to 77470
receive training and development in the administration of primary 77471
and secondary education and leadership, enable those individuals 77472
to earn degrees and obtain licenses in public school 77473
administration, and promote the placement of those individuals in 77474
public schools that have a poverty percentage greater than fifty 77475
per cent. 77476

(E) Of the foregoing appropriation item 200448, Educator 77477
Preparation, \$200,000 in each fiscal year shall be used to support 77478
training for selected school staff through the FASTER Saves Lives 77479
Program for the purpose of stopping active shooters and treating 77480
casualties. 77481

(F) Of the foregoing appropriation item 200448, Educator 77482
Preparation, \$1,000,000 in each fiscal year shall be used by the 77483
Department of Education, in consultation with the Department of 77484
Mental Health and Addiction Services, to award professional 77485
development grants to educational service centers to train 77486
educators and related school personnel in the model and tenants of 77487
prevention of risky behaviors, including substance abuse, suicide, 77488
bullying, and other harmful behaviors. 77489

(G) Of the foregoing appropriation item 200448, Educator 77490
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 77491
the Department of Education, in consultation with the Department 77492
of Higher Education, to provide awards to support coursework and 77493
content testing fees for currently licensed teachers to receive 77494
credentialing to teach computer science in accordance with 77495
division (B) of section 3319.236 of the Revised Code. 77496

Awards made by the Department of Education shall be in the 77497
form of reimbursements paid directly to educators for the cost of 77498

the content examination or pedagogy courses required under 77499
division (B) of section 3319.236 of the Revised Code that are 77500
completed by the summer term of 2021. First priority shall be 77501
given to educators who agree to teach at least one remote computer 77502
science course at schools that lack access to computer science 77503
educators. Second priority shall be given to educators assigned to 77504
schools with greater than fifty per cent of students classified as 77505
economically disadvantaged and with limited or no teachers 77506
currently credentialed to teach computer science, both as 77507
determined by the Department. 77508

Upon the request of the Superintendent of Public Instruction 77509
and the approval of the Director of Budget and Management, an 77510
amount equal to the unexpended, unencumbered balance of the amount 77511
set aside in this division at the end of fiscal year 2020 is 77512
hereby reappropriated to the Department for the same purpose for 77513
fiscal year 2021. 77514

(H) Of the foregoing appropriation item 200448, Educator 77515
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 77516
the Department of Education, in consultation with the Department 77517
of Higher Education, to provide awards to support graduate 77518
coursework for high school teachers to receive credentialing to 77519
teach College Credit Plus courses in a high school setting. 77520

The Department of Education, in consultation with the 77521
Department of Higher Education, shall develop an application 77522
process and criteria for awards. Priority shall be given to 77523
education consortia that include economically disadvantaged high 77524
schools in which there are limited or no teachers currently 77525
credentialed to teach College Credit Plus courses, as determined 77526
by the Department of Education, and a public or private college or 77527
university in Ohio. 77528

Awards made by the Department of Education may support 77529
graduate coursework for high school teachers at a public or 77530

private college or university in Ohio leading to credentialing to 77531
teach college courses, as well as employment of teachers 77532
credentialed to teach college courses as a bridging strategy until 77533
a sufficient number of teachers at the high school hold the 77534
required credentials. 77535

Upon the request of the Superintendent of Public Instruction 77536
and the approval of the Director of Budget and Management, an 77537
amount equal to the unexpended, unencumbered balance of the amount 77538
set aside in this division at the end of fiscal year 2020 is 77539
hereby reappropriated for the same purpose for fiscal year 2021. 77540

(I) Of the foregoing appropriation item 200448, Educator 77541
Preparation, up to \$500,000 in each fiscal year shall be used to 77542
support the SmartOhio Financial Literacy Program at the University 77543
of Cincinnati. 77544

(J) Of the foregoing appropriation item 200448, Educator 77545
Preparation, \$300,000 in each fiscal year shall be distributed to 77546
the Cincinnati Zoo and Botanical Garden to support the zoo's 77547
educational programming and scholarships for economically 77548
disadvantaged students. 77549

(K) Of the foregoing appropriation item 200448, Educator 77550
Preparation, \$125,000 in each fiscal year shall be distributed to 77551
the PAST Foundation for the STEM Educator Professional Development 77552
Collaborative to provide professional development and strategic 77553
training for teachers in STEM fields that is tailored to each 77554
region of the state. 77555

(L) Of the foregoing appropriation item 200448, Educator 77556
Preparation, \$100,000 in each fiscal year shall be distributed to 77557
The Childhood League Center to provide intensive early 77558
intervention and educational services in Franklin County, to 77559
support the Play and Language for Autistic Youngsters (PLAY) 77560
Project in underserved counties, and to provide services and 77561

training for providers and families. 77562

(M) Notwithstanding any provision of law to the contrary, 77563
awards under this section may be used by recipients for 77564
award-related expenses incurred for a period not to exceed two 77565
years from the date of the award according to guidelines 77566
established by the Department of Education. 77567

(N) The remainder of the foregoing appropriation item 200448, 77568
Educator Preparation, may be used for implementation of teacher 77569
and principal evaluation systems, including incorporation of 77570
student growth as a metric in those systems, and teacher 77571
value-added reports. A portion of this funding shall be provided 77572
to educational service centers, consistent with requirements of 77573
section 3312.01 of the Revised Code, in the development and 77574
delivery of professional development programs supported under this 77575
section. 77576

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 77577

The foregoing appropriation item 200455, Community Schools 77578
and Choice Programs, may be used by the Department of Education 77579
for operation of the school choice programs. 77580

Of the foregoing appropriation item 200455, Community Schools 77581
and Choice Programs, a portion in each fiscal year may be used by 77582
the Department for developing and conducting training sessions for 77583
community schools and sponsors and prospective sponsors of 77584
community schools as prescribed in division (A)(1) of section 77585
3314.015 of the Revised Code, and other schools participating in 77586
school choice programs. 77587

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 77588

Of the foregoing appropriation item 200465, Education 77589
Technology Resources, up to \$2,500,000 in each fiscal year shall 77590
be used for the Union Catalog and InfoOhio Network and to support 77591

the provision of electronic resources with priority given to 77592
resources that support the teaching of state academic content 77593
standards in all public schools. Consideration shall be given by 77594
the Department of Education to coordinating the allocation of 77595
these moneys with the efforts of Libraries Connect Ohio, whose 77596
members include OhioLINK, the Ohio Public Information Network, and 77597
the State Library of Ohio. 77598

Of the foregoing appropriation item 200465, Education 77599
Technology Resources, up to \$1,778,879 in each fiscal year shall 77600
be used by the Department to provide grants to educational 77601
television stations working with partner education technology 77602
centers to provide Ohio public schools with instructional 77603
resources and services, with priority given to resources and 77604
services aligned with state academic content standards. Such 77605
resources and services shall be based upon the advice and approval 77606
of the Department, based on a formula developed in consultation 77607
with Ohio's educational television stations and educational 77608
technology centers. 77609

Of the foregoing appropriation item 200465, Education 77610
Technology Resources, \$200,000 in each fiscal year shall be 77611
distributed to the Ohio School Digital Literacy Program to support 77612
digital learning tools, digital resources, technical support, and 77613
professional development. The program shall do all of the 77614
following: 77615

(A) Provide a K-8 program of study for students to learn 77616
essential digital literacy skills including computer fundamentals, 77617
computational thinking, keyboarding, digital citizenship and 77618
online safety, web browsing, email and online communication, 77619
visual mapping, word processing, spreadsheets, databases, and 77620
presentations; 77621

(B) Provide teachers with the ability to measure student 77622
digital literacy growth; and 77623

(C) Allow for the integration of digital literacy instruction 77624
aligned to state standards, if applicable, into core content 77625
subjects such as mathematics, English language arts, science, and 77626
social studies. 77627

The remainder of the foregoing appropriation item 200465, 77628
Education Technology Resources, may be used to support training, 77629
technical support, guidance, and assistance with compliance 77630
reporting to school districts and public libraries applying for 77631
federal E-Rate funds; for oversight and guidance of school 77632
district technology plans; for support to district technology 77633
personnel; and for support of the development, maintenance, and 77634
operation of a network of uniform and compatible computer-based 77635
information and instructional systems. 77636

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 77637
STUDENTS 77638**

Of the foregoing appropriation item 200478, 77639
Industry-Recognized Credentials High School Students, up to 77640
\$8,000,000 in each fiscal year may be used by the Department of 77641
Education to support payments to city, local, and exempted village 77642
school districts, community schools, STEM schools, and joint 77643
vocational school districts whose students earn an 77644
industry-recognized credential or receive a journeyman 77645
certification recognized by the United States Department of Labor. 77646
The educating entity shall be required to inform students enrolled 77647
in career-technical education courses that lead to an 77648
industry-recognized credential about the opportunity to earn these 77649
credentials. The Department of Education shall work with the 77650
Department of Higher Education and the Governor's Office of 77651
Workforce Transformation to develop a schedule for reimbursement 77652
based on the Department of Education's list of industry-recognized 77653
credentials, the time it takes to earn the credential, and the 77654

cost to obtain the credential. The educating entity shall pay for 77655
the cost of the credential and may claim and receive 77656
reimbursement. The educating entity may claim reimbursement based 77657
on the Department of Education's reimbursement schedule up to six 77658
months after the student has graduated from high school. If the 77659
amount appropriated is not sufficient, the Department shall 77660
prorate the amounts so that the aggregate amount appropriated is 77661
not exceeded. 77662

Of the foregoing appropriation item 200478, 77663
Industry-Recognized Credentials High School Students, up to 77664
\$12,500,000 in each fiscal year may be used by the Department of 77665
Education and the Governor's Office of Workforce Transformation to 77666
establish and operate the Innovative Workforce Incentive Program. 77667
In establishing the program, the Office of Workforce 77668
Transformation shall maintain a list of credentials that qualify 77669
for the program. The Department of Education shall pay each city, 77670
local, and exempted village school district, community school, 77671
STEM school, and joint vocational school district an amount equal 77672
to \$1,250 for each qualifying credential earned by a student 77673
attending the district or school during each fiscal year. If the 77674
amount appropriated is not sufficient, the Department shall 77675
prorate the amounts so that the aggregate amount appropriated is 77676
not exceeded. 77677

Of the foregoing appropriation item 200478, 77678
Industry-Recognized Credentials High School Students, up to 77679
\$4,500,000 in each fiscal year may be used by the Department of 77680
Education to establish a program to assist city, local, and 77681
exempted village school districts, community schools, STEM 77682
schools, and joint vocational school districts in establishing 77683
credentialing programs that qualify for the Innovative Workforce 77684
Incentive Program. The Department shall prioritize senior-only 77685
credentialing programs in schools that currently do not operate 77686

such programs. 77687

Section 265.150. PUPIL TRANSPORTATION 77688

Of the foregoing appropriation item 200502, Pupil 77689
Transportation, up to \$838,930 in each fiscal year may be used by 77690
the Department of Education for training prospective and 77691
experienced school bus drivers in accordance with training 77692
programs prescribed by the Department. A portion of these funds 77693
may also be used to pay for costs associated with the enrollment 77694
of bus drivers in the retained applicant fingerprint database. 77695

Of the foregoing appropriation item 200502, Pupil 77696
Transportation, up to \$60,469,220 in each fiscal year may be used 77697
by the Department for special education transportation 77698
reimbursements to school districts and county DD boards for 77699
transportation operating costs as provided in divisions (C) and 77700
(F) of section 3317.024 of the Revised Code, in accordance with 77701
the section of this act entitled "OPERATING FUNDING FOR FISCAL 77702
YEARS 2020 and 2021." 77703

The remainder of the foregoing appropriation item 200502, 77704
Pupil Transportation, shall be used to fund the transportation 77705
payments included in the state funding allocation under division 77706
(A)(2) of the section of this act entitled "FUNDING FOR CITY, 77707
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 77708

PAYMENTS IN LIEU OF TRANSPORTATION 77709

For purposes of division (D) of section 3327.02 of the 77710
Revised Code, if a parent, guardian, or other person in charge of 77711
a pupil accepts an offer from a school district of payment in lieu 77712
of providing transportation for the pupil, the school district 77713
shall pay that parent, guardian, or other person an amount that 77714
shall be not less than \$250 and not more than the amount 77715
determined by the Department as the average cost of pupil 77716

transportation for the previous school year. Payment may be 77717
prorated if the time period involved is only a part of the school 77718
year. 77719

Section 265.160. SCHOOL LUNCH MATCH 77720

The foregoing appropriation item 200505, School Lunch Match, 77721
shall be used to provide matching funds to obtain federal funds 77722
for the school lunch program. 77723

Any remaining appropriation after providing matching funds 77724
for the school lunch program may be used to partially reimburse 77725
school buildings within school districts that are required to have 77726
a school breakfast program under section 3313.813 of the Revised 77727
Code, at a rate decided by the Department. 77728

Section 265.170. AUXILIARY SERVICES 77729

Of the foregoing appropriation item 200511, Auxiliary 77730
Services, up to \$2,600,000 in each fiscal year may be used for 77731
payment of the College Credit Plus Program for nonpublic secondary 77732
school participants. The Department of Education shall distribute 77733
these funds according to rule 3333-1-65.8 of the Administrative 77734
Code, adopted by the Department of Higher Education pursuant to 77735
division (A) of section 3365.071 of the Revised Code. 77736

The remainder of the foregoing appropriation item 200511, 77737
Auxiliary Services, shall be used by the Department for the 77738
purpose of implementing sections 3317.06 and 3317.062 of the 77739
Revised Code. 77740

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 77741

The foregoing appropriation item 200532, Nonpublic 77742
Administrative Cost Reimbursement, shall be used by the Department 77743
of Education for the purpose of implementing section 3317.063 of 77744
the Revised Code. Notwithstanding section 3317.063 of the Revised 77745

Code, payments made by the Department for this purpose shall not 77746
exceed four hundred five dollars per student for each school year. 77747

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 77748

Of the foregoing appropriation item 200540, Special Education 77749
Enhancements, up to \$33,000,000 in each fiscal year shall be used 77750
to fund special education and related services at county boards of 77751
developmental disabilities for eligible students under section 77752
3317.20 of the Revised Code, in accordance with the section of 77753
this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 77754
2021," and at institutions for eligible students under section 77755
3317.201 of the Revised Code. If necessary, the Department of 77756
Education shall proportionately reduce the amount calculated for 77757
each county board of developmental disabilities and institution so 77758
as not to exceed the amount appropriated in each fiscal year. 77759

Of the foregoing appropriation item 200540, Special Education 77760
Enhancements, up to \$1,350,000 in each fiscal year shall be used 77761
for parent mentoring programs. 77762

Of the foregoing appropriation item 200540, Special Education 77763
Enhancements, up to \$3,000,000 in each fiscal year may be used for 77764
school psychology interns. 77765

Of the foregoing appropriation item 200540, Special Education 77766
Enhancements, the Department shall transfer \$3,250,000 in fiscal 77767
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 77768
for Ohioans with Disabilities Agency. The transfer shall be made 77769
via an intrastate transfer voucher. The transferred funds shall be 77770
used by the Opportunities for Ohioans with Disabilities Agency as 77771
state matching funds to draw down available federal funding for 77772
vocational rehabilitation services. Total project funding shall be 77773
used to hire dedicated vocational rehabilitation counselors who 77774
shall work directly with school districts to provide transition 77775
services for students with disabilities. Services shall include 77776

vocational rehabilitation services such as person-centered career 77777
planning, summer work experiences, job placement, and retention 77778
services for mutually eligible students with disabilities. 77779

The Superintendent of Public Instruction and the Executive 77780
Director of the Opportunities for Ohioans with Disabilities Agency 77781
shall enter into an interagency agreement that shall specify the 77782
responsibilities of each agency under the program. Under the 77783
interagency agreement, the Opportunities for Ohioans with 77784
Disabilities Agency shall retain responsibility for all 77785
nondelegable functions, including eligibility and order of 77786
selection determination, individualized plan for employment (IPE) 77787
approval, IPE amendments, case closure, and release of vendor 77788
payments. 77789

Of the foregoing appropriation item 200540, Special Education 77790
Enhancements, up to \$2,000,000 in each fiscal year shall be used 77791
by the Department of Education to build capacity to deliver a 77792
regional system of training, support, coordination, and direct 77793
service for secondary transition services for students with 77794
disabilities beginning at fourteen years of age. These special 77795
education enhancements shall support all students with 77796
disabilities, regardless of partner agency eligibility 77797
requirements, to provide stand-alone direct secondary transition 77798
services by school districts. Secondary transition services shall 77799
include, but not be limited to, job exploration counseling, 77800
work-based learning experiences, counseling on opportunities for 77801
enrollment in comprehensive transition or post-secondary 77802
educational programs at institutions of higher education, 77803
workplace readiness training to develop occupational skills, 77804
social skills and independent living skills, and instruction in 77805
self-advocacy. Regional training shall support the expansion of 77806
transition to work endorsement opportunities for middle school and 77807
secondary level special education intervention specialists in 77808

order to develop the necessary skills and competencies to meet the 77809
secondary transition needs of students with disabilities beginning 77810
at fourteen years of age. 77811

The remainder of appropriation item 200540, Special Education 77812
Enhancements, shall be distributed by the Department of Education 77813
to school districts and institutions, as defined in section 77814
3323.091 of the Revised Code, for preschool special education 77815
funding under section 3317.0213 of the Revised Code, in accordance 77816
with the section of this act entitled "OPERATING FUNDING FOR 77817
FISCAL YEARS 2020 and 2021." 77818

The Department may reimburse school districts and 77819
institutions for services provided by instructional assistants, 77820
related services, as defined in rule 3301-51-11 of the 77821
Administrative Code, physical therapy services provided by a 77822
licensed physical therapist or physical therapist assistant under 77823
the supervision of a licensed physical therapist, as required 77824
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 77825
Administrative Code, and occupational therapy services provided by 77826
a licensed occupational therapist or occupational therapy 77827
assistant under the supervision of a licensed occupational 77828
therapist, as required under Chapter 4755. of the Revised Code and 77829
Chapter 4755-7 of the Administrative Code. Nothing in this section 77830
authorizes occupational therapy assistants or physical therapist 77831
assistants to generate or manage their own caseloads. 77832

The Department shall require school districts, educational 77833
service centers, county DD boards, and institutions serving 77834
preschool children with disabilities to adhere to Ohio's early 77835
learning program standards, participate in the Step Up to Quality 77836
program established pursuant to section 5104.29 of the Revised 77837
Code, and document child progress using research-based indicators 77838
prescribed by the Department and report results annually. The 77839
reporting dates and method shall be determined by the Department. 77840

All programs shall be rated through the Step Up to Quality
program. 77841
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Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 77843

Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$2,563,568 in each fiscal year shall
be used to fund secondary career-technical education at
institutions, the Ohio School for the Deaf, and the Ohio State
School for the Blind using a grant-based methodology,
notwithstanding section 3317.05 of the Revised Code. 77844
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Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$2,686,474 in each fiscal year shall
be used by the Department of Education to fund competitive grants
to tech prep consortia that expand the number of students enrolled
in tech prep programs. These grant funds shall be used to directly
support expanded tech prep programs provided to students enrolled
in school districts, including joint vocational school districts,
and affiliated higher education institutions. This support may
include the purchase of equipment. 77850
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Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$3,000,850 in each fiscal year shall
be used by the Department to support existing High Schools That
Work (HSTW) sites, develop and support new sites, fund technical
assistance, and support regional centers and middle school
programs. The purpose of HSTW is to combine challenging academic
courses and modern career-technical studies to raise the academic
achievement of students. HSTW provides intensive technical
assistance, focused staff development, targeted assessment
services, and ongoing communications and networking opportunities. 77859
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Of the foregoing appropriation item 200545, Career-Technical
Education Enhancements, up to \$600,000 in each fiscal year shall
be used by the Department to enable students in agricultural 77869
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programs to enroll in a fifth quarter of instruction based on the 77872
agricultural education model of delivering work-based learning 77873
through supervised agricultural experience. The Department shall 77874
determine eligibility criteria and the reporting process for the 77875
Agriculture 5th Quarter Project and shall fund as many programs as 77876
possible given the set-aside. The eligibility criteria developed 77877
by the Department shall allow these funds to support supervised 77878
agricultural experience that occurs anytime outside of the regular 77879
school day. 77880

Of the foregoing appropriation item 200545, Career-Technical 77881
Education Enhancements, up to \$550,000 in each fiscal year may be 77882
used to support career planning and reporting through the 77883
OhioMeansJobs web site. 77884

Of the foregoing appropriation item 200545, Career-Technical 77885
Education Enhancements, \$100,000 in each fiscal year shall be used 77886
to support Jobs for Ohio's Graduates. 77887

Of the foregoing appropriation item 200545, Career-Technical 77888
Education Enhancements, \$150,000 in each fiscal year shall be used 77889
to prepare students for careers in culinary arts and restaurant 77890
management under the Ohio ProStart school restaurant program. 77891

Section 265.210. FOUNDATION FUNDING 77892

Of the foregoing appropriation item 200550, Foundation 77893
Funding, up to \$40,000,000 in each fiscal year shall be used to 77894
provide additional state aid to school districts, joint vocational 77895
school districts, community schools, and STEM schools for special 77896
education students under division (C)(3) of section 3314.08, 77897
section 3317.0214 and division (B) of section 3317.16 in 77898
accordance with the section of this act entitled "OPERATING 77899
FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of 77900
the Revised Code, except that the Controlling Board may increase 77901
these amounts if presented with such a request from the Department 77902

of Education at the final meeting of the fiscal year. 77903

Of the foregoing appropriation item 200550, Foundation 77904
Funding, up to \$3,800,000 in each fiscal year shall be used to 77905
fund gifted education at educational service centers. The 77906
Department shall distribute the funding through the unit-based 77907
funding methodology in place under division (L) of section 77908
3317.024, division (E) of section 3317.05, and divisions (A), (B), 77909
and (C) of section 3317.053 of the Revised Code as they existed 77910
prior to fiscal year 2010. 77911

Of the foregoing appropriation item 200550, Foundation 77912
Funding, up to \$40,000,000 in each fiscal year shall be reserved 77913
to fund the state reimbursement of educational service centers 77914
under the section of this act entitled "EDUCATIONAL SERVICE 77915
CENTERS FUNDING." 77916

Of the foregoing appropriation item 200550, Foundation 77917
Funding, up to \$3,500,000 in each fiscal year shall be distributed 77918
to educational service centers for School Improvement Initiatives 77919
and for the provision of technical assistance to schools and 77920
districts consistent with requirements of section 3312.01 of the 77921
Revised Code. The Department may distribute these funds through a 77922
competitive grant process. 77923

Of the foregoing appropriation item 200550, Foundation 77924
Funding, up to \$7,000,000 in each fiscal year shall be reserved 77925
for payments under section 3317.029 of the Revised Code, in 77926
accordance with the section of this act entitled "OPERATING 77927
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 77928
sufficient, the Superintendent of Public Instruction may 77929
reallocate excess funds for other purposes supported by this 77930
appropriation item in order to fully pay the amounts required by 77931
that section, provided that the aggregate amount appropriated in 77932
appropriation item 200550, Foundation Funding, is not exceeded. 77933

Of the foregoing appropriation item 200550, Foundation 77934
Funding, up to \$26,400,000 in each fiscal year shall be used to 77935
support school choice programs. 77936

Of the portion of the funds distributed to the Cleveland 77937
Municipal School District under this section, up to \$23,501,887 in 77938
each fiscal year shall be used to operate the school choice 77939
program in the Cleveland Municipal School District under sections 77940
3313.974 to 3313.979 of the Revised Code. Notwithstanding 77941
divisions (B) and (C) of section 3313.978 and division (C) of 77942
section 3313.979 of the Revised Code, up to \$1,000,000 in each 77943
fiscal year of this amount shall be used by the Cleveland 77944
Municipal School District to provide tutorial assistance as 77945
provided in division (H) of section 3313.974 of the Revised Code. 77946
The Cleveland Municipal School District shall report the use of 77947
these funds in the district's three-year continuous improvement 77948
plan as described in section 3302.04 of the Revised Code in a 77949
manner approved by the Department. 77950

Of the foregoing appropriation item 200550, Foundation 77951
Funding, up to \$3,500,000 in each fiscal year may be used for 77952
payment of the College Credit Plus Program for students instructed 77953
at home pursuant to section 3321.04 of the Revised Code. An amount 77954
equal to the unexpended, unencumbered balance of this earmark at 77955
the end of fiscal year 2020 is hereby reappropriated for the same 77956
purpose for fiscal year 2021. 77957

Of the foregoing appropriation item 200550, Foundation 77958
Funding, an amount shall be available in each fiscal year to be 77959
paid to joint vocational school districts in accordance with the 77960
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 77961
DISTRICTS." 77962

Of the foregoing appropriation item 200550, Foundation 77963
Funding, up to \$700,000 in each fiscal year shall be used by the 77964
Department for a program to pay for educational services for youth 77965

who have been assigned by a juvenile court or other authorized 77966
agency to any of the facilities described in division (A) of the 77967
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 77968

Of the foregoing appropriation item 200550, Foundation 77969
Funding, a portion may be used to pay college-preparatory boarding 77970
schools the per pupil boarding amount pursuant to section 3328.34 77971
of the Revised Code. 77972

Of the foregoing appropriation item 200550, Foundation 77973
Funding, a portion in each fiscal year shall be used to pay 77974
community schools and STEM schools the amounts calculated for the 77975
graduation and third-grade reading bonuses under sections 3314.085 77976
and 3326.41 of the Revised Code, in accordance with the sections 77977
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 77978
FOR STEM SCHOOLS." 77979

Of the foregoing appropriation item 200550, Foundation 77980
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 77981
Department of Education to conduct return on investment studies 77982
for programming funded through student success and wellness funds 77983
and to provide technical assistance to school districts on 77984
implementing these strategies. 77985

The remainder of the foregoing appropriation item 200550, 77986
Foundation Funding, shall be used to fund the payments included in 77987
the state funding allocation under division (A)(1) of the section 77988
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 77989
VILLAGE SCHOOL DISTRICTS." 77990

Appropriation items 200502, Pupil Transportation, 200540, 77991
Special Education Enhancements, and 200550, Foundation Funding, 77992
other than specific set-asides, are collectively used in each 77993
fiscal year to pay state formula aid obligations for school 77994
districts, community schools, STEM schools, college preparatory 77995
boarding schools, and joint vocational school districts under this 77996

act. The first priority of these appropriation items, with the 77997
exception of specific set-asides, is to fund state formula aid 77998
obligations. It may be necessary to reallocate funds among these 77999
appropriation items or use excess funds from other general revenue 78000
fund appropriation items in the Department of Education's budget 78001
in each fiscal year in order to meet state formula aid 78002
obligations. If it is determined that it is necessary to transfer 78003
funds among these appropriation items or to transfer funds from 78004
other General Revenue Fund appropriations in the Department's 78005
budget to meet state formula aid obligations, the Superintendent 78006
of Public Instruction shall seek approval from the Director of 78007
Budget and Management to transfer funds as needed. 78008

The Superintendent of Public Instruction shall make payments, 78009
transfers, and deductions, as authorized by Title XXXVIII of the 78010
Revised Code in amounts substantially equal to those made in the 78011
prior year, or otherwise, at the discretion of the Superintendent, 78012
until at least the effective date of the amendments and enactments 78013
made to Title XXXVIII by this act. Any funds paid to districts or 78014
schools under this section shall be credited toward the annual 78015
funds calculated for the district or school after the changes made 78016
to Title XXXVIII in this act are effective. Upon the effective date 78017
of changes made to Title XXXVIII in this act, funds shall be 78018
calculated as an annual amount. 78019

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2020 and 78020
2021 78021

(A) Notwithstanding anything to the contrary in Chapter 3317. 78022
of the Revised Code, the Department of Education shall make no 78023
payments under that chapter for fiscal years 2020 and 2021 except 78024
as prescribed in this section and the sections of this act 78025
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 78026
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 78027

(B) Each school district and educational service center shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 3317.0210, 3317.0211, and 3317.08, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," the Department shall continue to make payments or adjustments for each of fiscal years 2020 and 2021 under the following provisions of Chapter 3317. of the Revised Code:

(1) All payments or adjustments under section 3317.023 of the Revised Code;

(2) All payments or adjustments under section 3317.024 of the Revised Code;

(3) Payments under section 3317.029 of the Revised Code. Notwithstanding division (A)(2)(d) of section 3317.029, for purposes of these payments, a city, local, or exempted village school district's "state education aid" for fiscal years 2020 and 2021 shall be the payment made to the district under the section

of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 78059
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(4) Preschool special education payments under section 3317.0213 of the Revised Code; 78061
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(5) The catastrophic cost reimbursement under section 3317.0214 of the Revised Code; 78063
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(6) Payments under sections 3317.06, 3317.062, 3317.063, and 3317.064 of the Revised Code; 78065
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(7) The catastrophic cost reimbursement under division (B) of section 3317.16 of the Revised Code and excess cost reimbursements under division (C) of that section. No other payments shall be made under that section. 78067
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(8) Adjustments under section 3317.18 of the Revised Code; 78071

(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code; 78072
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(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code; 78074
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(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code. 78076
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(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019. 78078
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(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised 78085
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Code and any other provision of law with respect to education	78089
financing:	78090
(1) The "formula amount" equals \$6,020 for fiscal years 2020	78091
and 2021.	78092
(2) The special education catastrophic cost threshold for	78093
fiscal years 2020 and 2021 is \$27,375 for students in categories	78094
two through five special education ADM and \$32,850 for students in	78095
category six special education ADM.	78096
(G) This section does not affect the provisions of sections	78097
3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035,	78098
3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09,	78099
3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161,	78100
3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27,	78101
3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code.	78102
Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED	78103
VILLAGE SCHOOL DISTRICTS	78104
(A) Subject to Section 265.227 of this act, for each of	78105
fiscal years 2020 and 2021, the Department of Education shall pay	78106
each city, local, and exempted village school district an amount	78107
equal to the sum of the following:	78108
(1) The district's aggregate annualized payments for fiscal	78109
year 2019 under section 3317.022 of the Revised Code and Section	78110
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of	78111
the second payment in June 2019;	78112
(2) The district's aggregate annualized payments for fiscal	78113
year 2019 under section 3317.0212 and division (D)(2) of section	78114
3314.091 of the Revised Code, as of the second payment in June	78115
2019.	78116
(B)(1) For purposes of division (B) of this section:	78117
(a) "Eligible school district" means a city, local, or	78118

exempted village school district with an enrolled ADM greater than 78119
or equal to fifty. 78120

(b) "Enrolled ADM" has the same meaning as in section 78121
3317.0219 of the Revised Code as enacted by this act. 78122

(2) For each of fiscal years 2020 and 2021, the Department of 78123
Education shall pay each eligible school district an additional 78124
amount calculated as follows: 78125

(a) Determine the district's percentage of change in enrolled 78126
ADM between fiscal years 2016 and 2017, fiscal years 2017 and 78127
2018, and fiscal years 2018 and 2019; 78128

(b) Calculate the average of the percentage of changes in 78129
enrolled ADM determined for the district under division (B)(2)(a) 78130
of this section; 78131

(c) Compute the district's payment as follows: 78132

The district's average percentage calculated under division 78133
(B)(2)(b) of this section X 100 X the district's enrolled ADM that 78134
was used for the second payment under Chapter 3317. of the Revised 78135
Code in June 2019 X \$20, for fiscal year 2020, or \$30, for fiscal 78136
year 2021 78137

If the result of the calculation for a district under 78138
division (B)(2)(c) of this section is less than zero, the district 78139
shall not receive a payment under division (B) of this section. 78140

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 78141
DISTRICTS 78142

Subject to Section 265.227 of this act, for each of fiscal 78143
years 2020 and 2021, the Department of Education shall pay each 78144
joint vocational school district an amount equal to the district's 78145
aggregate annualized payments for fiscal year 2019 under section 78146
3317.16 of the Revised Code and Section 265.230 of Am. Sub. H.B. 78147
49 of the 132nd General Assembly, as of the second payment in June 78148

2019. 78149

Section 265.227. If a city, local, or exempted village school district provided career-technical education pursuant to division (A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 but the district enters into an agreement with a joint vocational school district to provide that career-technical education beginning in fiscal year 2020, the Department of Education shall adjust the amounts paid to those districts for fiscal years 2020 and 2021 under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" to account for the decrease in students served by the city, local, or exempted village school district and the increase in students served by the joint vocational school district. In doing so, the Department shall not, however, increase the aggregate amount of foundation aid paid under division (A) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Section 265.230. FUNDING FOR COMMUNITY SCHOOLS 78168

(A) For each of fiscal years 2020 and 2021, the Department of Education shall make the deductions and payments for each student enrolled in a community school, established under Chapter 3314. of the Revised Code, in the manner prescribed by division (C) of section 3314.08 of the Revised Code, except that, for each of those fiscal years:

(1) The "formula amount" shall equal the amount specified in division (F)(1) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

(2) "State education aid" for a school district from which a

deduction is made shall mean the amount paid to the district for 78179
that fiscal year under the section of this act entitled "FUNDING 78180
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 78181

(3) The per pupil amount deducted from a district and paid to 78182
a community school under divisions (C)(1)(b) and (e) of section 78183
3314.08 of the Revised Code shall be the same respective per pupil 78184
amounts deducted and paid under those divisions for fiscal year 78185
2019. 78186

(B) Notwithstanding section 3314.085 of the Revised Code, for 78187
each of fiscal years 2020 and 2021, the Department shall pay each 78188
community school an amount equal to the school's payment under 78189
section 3314.085 of the Revised Code for fiscal year 2019. 78190

Section 265.235. FUNDING FOR STEM SCHOOLS 78191

(A) For each of fiscal years 2020 and 2021, the Department of 78192
Education shall make the deductions and payments for each student 78193
enrolled in a STEM school, established under Chapter 3326. of the 78194
Revised Code, in the manner prescribed by section 3326.33 of the 78195
Revised Code, except that, for each of those fiscal years: 78196

(1) The "formula amount" shall equal the amount specified in 78197
division (F)(1) of the section of this act entitled "OPERATING 78198
FUNDING FOR FISCAL YEARS 2020 and 2021." 78199

(2) "State education aid" for a school district from which a 78200
deduction is made shall mean the amount paid to the district for 78201
that fiscal year under the section of this act entitled "FUNDING 78202
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 78203

(3) The per pupil amount deducted from a district and paid to 78204
a STEM school under divisions (B) and (E) of section 3326.33 of 78205
the Revised Code shall be the same respective per pupil amount 78206
deducted and paid under those divisions for fiscal year 2019. 78207

(B) Notwithstanding section 3326.41 of the Revised Code, for 78208

each of fiscal years 2020 and 2021, the Department shall pay each 78209
STEM school an amount equal to the school's payment under section 78210
3326.41 of the Revised Code for fiscal year 2019. 78211

Section 265.240. LITERACY IMPROVEMENT 78212

The foregoing appropriation item 200566, Literacy 78213
Improvement, shall be used by the Department of Education to 78214
support early literacy activities to align state, local, and 78215
federal efforts in order to bolster all students' reading success. 78216
Funds shall be distributed to educational service centers to 78217
establish and support regional literacy professional development 78218
teams consistent with section 3312.01 of the Revised Code. A 78219
portion of the funds may be used by the Department for program 78220
administration, monitoring, technical assistance, support, 78221
research, and evaluation. 78222

Section 265.250. ADULT EDUCATION PROGRAMS 78223

Of the foregoing appropriation item 200572, Adult Education 78224
Programs, up to \$6,900,000 in each fiscal year shall be used to 78225
make payments under sections 3314.38, 3317.23, 3317.24, and 78226
3345.86 of the Revised Code. 78227

A portion of the foregoing appropriation item 200572, Adult 78228
Education Programs, shall be used in each fiscal year to make 78229
payments to institutions participating in the Adult Diploma Pilot 78230
Program under section 3313.902 of the Revised Code and to pay 78231
career-technical planning districts for the amounts reimbursed to 78232
students, as prescribed in this section. 78233

Each career-technical planning district shall reimburse 78234
individuals taking a nationally recognized high school equivalency 78235
examination approved by the Department of Education for the first 78236
time for application fees, examination fees, or both, in excess of 78237
\$40, up to a maximum reimbursement per individual of \$80. Each 78238

career-technical planning district shall designate a site or sites 78239
where individuals may register and take an approved examination. 78240
For each individual who registers for an approved examination, the 78241
career-technical planning district shall make available and offer 78242
career counseling services, including information on adult 78243
education programs that are available. A portion of the 78244
appropriation item may be reimbursed to the Department of Youth 78245
Services and the Department of Rehabilitation and Correction for 78246
individuals in these facilities who have taken an approved 78247
examination for the first time. The amounts reimbursed shall not 78248
exceed the per-individual amounts reimbursed to other individuals 78249
under this section for an approved examination. 78250

Notwithstanding any provision of law to the contrary, the 78251
unexpended balance of appropriations for payments under sections 78252
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 78253
Code at the end of each fiscal year may be encumbered by the 78254
Department of Education and remain available for payment for a 78255
period not to exceed two years from the end of each fiscal year in 78256
which the funds were originally appropriated, in accordance with 78257
guidelines established by the Superintendent of Public 78258
Instruction. 78259

A portion of the foregoing appropriation item 200572, Adult 78260
Education Programs, may be used for program administration, 78261
technical assistance, support, research, and evaluation of adult 78262
education programs, including high school equivalency examinations 78263
approved by the Department of Education. 78264

Section 265.260. EDCHOICE EXPANSION 78265

The foregoing appropriation item 200573, EdChoice Expansion, 78266
shall be used to provide for the scholarships awarded under the 78267
expansion of the educational choice program established under 78268
section 3310.032 of the Revised Code. The number of scholarships 78269

awarded under the expansion of the educational choice program	78270
shall not exceed the number that can be funded with the	78271
appropriations made by the General Assembly for this purpose.	78272
 HALF-MILL MAINTENANCE EQUALIZATION	 78273
 The foregoing appropriation item 200574, Half-Mill	 78274
Maintenance Equalization, shall be used to make payments pursuant	78275
to section 3318.18 of the Revised Code.	78276
 ADAPTIVE SPORTS PROGRAM	 78277
 The foregoing appropriation item 200576, Adaptive Sports	 78278
Program, shall be used by the Department of Education, in	78279
collaboration with the Adaptive Sports Program of Ohio, to fund	78280
adaptive sports programs in school districts across the state.	78281
 PROGRAM AND PROJECT SUPPORT	 78282
 Of the foregoing appropriation item 200597, Program and	 78283
Project Support, \$500,000 in each fiscal year shall be distributed	78284
to Ohio Adolescent Health Centers to support risk avoidance	78285
education.	78286
 Of the foregoing appropriation item 200597, Program and	 78287
Project Support, \$125,000 in each fiscal year shall be used to	78288
support Ruling Our eXperiences (ROX) programming in schools.	78289
 MONTESSORI COMMUNITY SCHOOLS	 78290
 The foregoing appropriation item 200599, Montessori Community	 78291
Schools, shall be used to make payments under section 3314.06 of	78292
the Revised Code to each community school that operates a program	78293
that uses the Montessori method endorsed by the American	78294
Montessori society, the Montessori Accreditation Council for	78295
Teacher Education, or the Association Montessori Internationale as	78296
its primary method of instruction for students younger than four	78297
years of age who are enrolled in the school.	78298

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 78299

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program. 78300
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Section 265.300. TEACHER CERTIFICATION AND LICENSURE 78303

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports. 78304
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Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 78313

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30). 78314
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(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the 78326
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Director of Budget and Management may make transfers to the School 78328
District Solvency Assistance Fund (Fund 5H30) from any fund used 78329
by the Department of Education or the General Revenue Fund to 78330
maintain sufficient cash balances in Fund 5H30 in fiscal years 78331
2020 and 2021. Any cash transferred is hereby appropriated. The 78332
transferred cash may be used by the Department to provide 78333
assistance and grants to school districts to enable them to remain 78334
solvent and to pay unforeseeable expenses of a temporary or 78335
emergency nature that the school district is unable to pay from 78336
existing resources. The Director shall notify the members of the 78337
Controlling Board of any such transfers. 78338

(C) If the cash balance of the School District Solvency 78339
Assistance Fund (Fund 5H30) is insufficient to pay solvency 78340
assistance in fiscal years 2020 and 2021, at the request of the 78341
Superintendent of Public Instruction, and with the approval of the 78342
Controlling Board, the Director of Budget and Management may 78343
transfer cash from the Lottery Profits Education Reserve Fund 78344
(Fund 7018) to Fund 5H30 to provide assistance and grants to 78345
school districts to enable them to remain solvent and to pay 78346
unforeseeable expenses of a temporary nature that they are unable 78347
to pay from existing resources under section 3316.20 of the 78348
Revised Code. Such transfers are hereby appropriated to 78349
appropriation item 200670, School District Solvency Assistance - 78350
Lottery. Any required reimbursements from school districts for 78351
solvency assistance granted from appropriation item 200670, School 78352
District Solvency Assistance - Lottery, shall be made to Fund 78353
7018. 78354

Section 265.323. STUDENT WELLNESS AND SUCCESS 78355

The foregoing appropriation item 200604, Student Wellness and 78356
Success, shall be used to distribute the amounts calculated for 78357
student wellness and success funds under sections 3314.088, 78358

3317.0219, 3317.163, and 3326.42 of the Revised Code. 78359

Section 265.325. SCHOOL CLIMATE GRANTS 78360

(A) The foregoing appropriation item 200602, School Climate Grants, shall be used to provide competitive grants to eligible applicants to implement positive behavior intervention and supports frameworks, evidence- or research-based social and emotional learning initiatives, or both, in eligible school buildings. 78361
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(B) The Superintendent of Public Instruction shall administer and award the grants. The Superintendent shall prescribe an application form, establish procedures for the consideration and approval of grant applications, and determine the amount of the grant awards. 78367
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(C)(1) Subject to division (C)(2) of this section, the Superintendent shall award the grants in the following order of priority: 78372
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(a) First, to eligible applicants whose grant proposal serves one or more eligible school buildings whose percentage of students who are identified as economically disadvantaged is greater than the statewide average percentage of students who are identified as economically disadvantaged, as determined by the Superintendent; 78375
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(b) Second, to eligible applicants whose grant proposal serves one or more eligible school buildings with high suspension rates, as determined by the Superintendent; 78380
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(c) Third, to eligible applicants who were not awarded a grant under either division (C)(1)(a) or (b) of this section in the order in which the applications were received. 78383
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(2) If, for a fiscal year, the amount appropriated for the grants awarded under this section is insufficient to provide grants to all eligible applicants within a priority level 78386
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specified in division (C)(1) of this section, the Superintendent 78389
shall first award grants within that priority level to eligible 78390
applicants whose grant proposal serves one or more eligible school 78391
buildings that previously have not been served through a grant 78392
disbursed from the foregoing appropriation item 200602, School 78393
Climate Grants. 78394

(D) The Superintendent may enter into a written grant 78395
agreement with each eligible applicant awarded a grant under this 78396
section that includes the terms and conditions governing the use 78397
of the funds. The Superintendent may monitor a recipient's use of 78398
the funds to ensure that the funds are used in accordance with the 78399
grant agreement. 78400

(E) A grant awarded to an eligible applicant under this 78401
section shall not exceed \$5,000 per eligible school building 78402
served in the eligible applicant's grant proposal, up to a maximum 78403
of \$50,000. 78404

(F) Notwithstanding any provision of law to the contrary, 78405
grants awarded under this section may be used by grant recipients 78406
for grant-related expenses for a period not to exceed two years 78407
from the date of the award, according to guidelines established by 78408
the Superintendent. 78409

(G) As used in this section: 78410

(1) "Eligible applicant" means a city, local, or exempted 78411
village school district or a community school established under 78412
Chapter 3314. of the Revised Code. 78413

(2) "Eligible school building" means a building of an 78414
eligible applicant that serves any of grades kindergarten through 78415
three. 78416

Section 265.330. LOTTERY PROFITS EDUCATION FUND 78417

The foregoing appropriation item 200612, Foundation Funding, 78418

shall be used in conjunction with appropriation item 200550, 78419
Foundation Funding, to provide state foundation payments to school 78420
districts. 78421

The Department of Education, with the approval of the 78422
Director of Budget and Management, shall determine the monthly 78423
distribution schedules of appropriation item 200550, Foundation 78424
Funding, and appropriation item 200612, Foundation Funding. If 78425
adjustments to the monthly distribution schedule are necessary, 78426
the Department shall make such adjustments with the approval of 78427
the Director. 78428

Section 265.331. ACCELERATE GREAT SCHOOLS 78429

The foregoing appropriation item 200614, Accelerate Great 78430
Schools, shall be used to support the Accelerate Great Schools 78431
public-private partnership. 78432

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 78433

(A) The foregoing appropriation item 200631, Quality 78434
Community Schools Support, shall be used for the Quality Community 78435
School Support Program. Under the program, the Department of 78436
Education shall pay each community school established under 78437
Chapter 3314. of the Revised Code and designated as a Community 78438
School of Quality under this section an amount equal to \$1,750 in 78439
each fiscal year for each pupil identified as economically 78440
disadvantaged and \$1,000 in each fiscal year for each pupil that 78441
is not identified as economically disadvantaged. The payment for 78442
the current fiscal year shall be calculated using the final 78443
adjusted full-time equivalent number of students enrolled in a 78444
community school for the prior fiscal year, except that if a 78445
school is in its first year of operation the payment for the 78446
current fiscal year shall be calculated using the adjusted 78447
full-time equivalent number of students enrolled in the school for 78448

the current fiscal year as of the date the payment is made, as 78449
reported by the school under section 3314.08 of the Revised Code. 78450
The Department shall make the payment to each Community School of 78451
Quality not later than January 31 of each fiscal year. 78452

(B) To be designated as a Community School of Quality, a 78453
community school shall satisfy at least one of the following 78454
conditions: 78455

(1) The community school meets all of the following criteria: 78456

(a) The school's sponsor was rated "exemplary" or "effective" 78457
on the sponsor's most recent evaluation conducted under section 78458
3314.016 of the Revised Code. 78459

(b) The school received a higher performance index score than 78460
the school district in which the school is located on the two most 78461
recent report cards issued for the school under section 3302.03 of 78462
the Revised Code. 78463

(c) The school received an overall grade of "A" or "B" for 78464
the value-added progress dimension on the most recent report card 78465
issued for the school under section 3302.03 of the Revised Code or 78466
is a school described under division (A)(4) of section 3314.35 of 78467
the Revised Code and did not receive a grade for the value-added 78468
progress dimension on the most recent report card. 78469

(d) At least fifty per cent of the students enrolled in the 78470
school are economically disadvantaged, as determined by the 78471
Department. 78472

(2) The community school meets all of the following criteria: 78473

(a) The school's sponsor was rated "exemplary" or "effective" 78474
on the sponsor's most recent evaluation conducted under section 78475
3314.016 of the Revised Code. 78476

(b) The school is in its first year of operation. 78477

(c) The school is replicating an operational and 78478

instructional model used by a community school described in 78479
division (B)(1) of this section. 78480

(3) The community school meets all of the following criteria: 78481

(a) The school's sponsor was rated "exemplary" or "effective" 78482
on the sponsor's most recent evaluation conducted under section 78483
3314.016 of the Revised Code. 78484

(b) The school contracts with an operator that operates 78485
schools in other states and meets at least one of the following 78486
criteria: 78487

(i) Has operated a school that received a grant funded 78488
through the federal Charter School Program established under 20 78489
U.S.C. 7221 or received funding from the Charter School Growth 78490
Fund; 78491

(ii) Meets all of the following criteria: 78492

(I) One of the operator's schools in another state performed 78493
better than the school district in which the school is located, as 78494
determined by the Department. 78495

(II) At least fifty per cent of the total number of students 78496
enrolled in all of the operator's schools are economically 78497
disadvantaged, as determined by the Department. 78498

(III) The operator is in good standing in all states where it 78499
operates schools. 78500

(IV) The Department has determined that the operator does not 78501
have any financial viability issues that would prevent it from 78502
effectively operating a community school in Ohio. 78503

(C) A school that is designated as a Community School of 78504
Quality under division (B) of this section shall maintain that 78505
designation for the two fiscal years following the fiscal year in 78506
which the school was initially designated as a Community School of 78507
Quality. 78508

Section 265.337. ENROLLMENT GROWTH SUPPLEMENT 78509

The foregoing appropriation item 200636, Enrollment Growth Supplement, shall be used to fund the payments included in the state funding allocation under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 78510
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Section 265.340. COMMUNITY SCHOOL FACILITIES 78515

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$250 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded. 78516
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Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 78527

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. 78528
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(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2020 and fiscal year 2021. 78532
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(C) On July 15, 2019, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the 78536
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Director of Budget and Management the amount by which lottery 78538
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 78539
fiscal year 2019. 78540

(D) On July 15, 2020, or as soon as possible thereafter, the 78541
Director of the Ohio Lottery Commission shall certify to the 78542
Director of Budget and Management the amount by which lottery 78543
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 78544
fiscal year 2020. 78545

(E) Notwithstanding any provision of law to the contrary, in 78546
fiscal year 2020 and fiscal year 2021, the Director of Budget and 78547
Management may transfer cash in excess of the amounts necessary to 78548
support appropriations in Fund 7017 from that fund to Fund 7018. 78549

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 78550

As used in this section, "high-performing educational service 78551
center" means an educational service center designated as such 78552
pursuant to rule 3301-105-01 of the Administrative Code. 78553

As used in this section, "student count" means the count 78554
calculated under division (G)(1) of section 3313.843 of the 78555
Revised Code. 78556

In each fiscal year, the Department of Education shall pay 78557
the governing board of each high-performing educational service 78558
center state funds equal to twenty-six dollars times its student 78559
count, and to the governing board of each other center, state 78560
funds equal to twenty-four dollars times its student count. 78561

If the amount earmarked for the state reimbursement of 78562
educational service centers in appropriation item 200550, 78563
Foundation Funding, is not sufficient, the Department shall 78564
prorate the payment amounts so that the appropriation is not 78565
exceeded. 78566

Notwithstanding any provision of law to the contrary, a 78567

school district that has not entered into an agreement for 78568
services with an educational service center as of June 30, 2019, 78569
shall be prohibited from entering into such an agreement during 78570
the period from July 1, 2019, through June 30, 2021. 78571

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 78572
ASSESSMENT OF EDUCATION PROGRESS 78573

The General Assembly intends for the Superintendent of Public 78574
Instruction to provide for school district participation in the 78575
administration of the National Assessment of Education Progress in 78576
accordance with section 3301.27 of the Revised Code. Each school 78577
and school district selected for participation by the 78578
Superintendent shall participate. 78579

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 78580
STUDENTS 78581

(A) As used in this section: 78582

(1) "IEP" has the same meaning as in section 3323.01 of the 78583
Revised Code. 78584

(2) "SBH student" means a student receiving special education 78585
and related services for severe behavior disabilities pursuant to 78586
an IEP. 78587

(B) This section applies only to a community school 78588
established under Chapter 3314. of the Revised Code that in each 78589
of fiscal years 2020 and 2021 enrolls a number of SBH students 78590
equal to at least fifty per cent of the total number of students 78591
enrolled in the school in the applicable fiscal year. 78592

(C) In addition to any state foundation payments made, in 78593
each of fiscal years 2020 and 2021, the Department of Education 78594
shall pay to a community school to which this section applies a 78595
subsidy equal to the difference between the aggregate amount 78596

calculated and paid in that fiscal year to the community school 78597
for special education and related services additional weighted 78598
costs for the SBH students enrolled in the school and the 78599
aggregate amount that would have been calculated for the school 78600
for special education and related services additional weighted 78601
costs for those same students in fiscal year 2001. If the 78602
difference is a negative number, the amount of the subsidy shall 78603
be zero. 78604

(D) The amount of any subsidy paid to a community school 78605
under this section shall not be deducted from the school district 78606
in which any of the students enrolled in the community school are 78607
entitled to attend school under section 3313.64 or 3313.65 of the 78608
Revised Code. The amount of any subsidy paid to a community school 78609
under this section shall be paid from funds appropriated to the 78610
Department in appropriation item 200550, Foundation Funding. 78611

Section 265.400. EARMARK ACCOUNTABILITY 78612

At the request of the Superintendent of Public Instruction, 78613
any entity that receives a budget earmark under the Department of 78614
Education shall submit annually to the chairpersons of the 78615
committees of the House of Representatives and the Senate 78616
primarily concerned with education and education funding and to 78617
the Department a report that includes a description of the 78618
services supported by the funds, a description of the results 78619
achieved by those services, an analysis of the effectiveness of 78620
the program, and an opinion as to the program's applicability to 78621
other school districts. For an earmarked entity that received 78622
state funds from an earmark in the prior fiscal year, no funds 78623
shall be provided by the Department to an earmarked entity for a 78624
fiscal year until its report for the prior fiscal year has been 78625
submitted. 78626

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 78627

A community school established under Chapter 3314. of the 78628
Revised Code that was open for operation as a community school as 78629
of May 1, 2005, may operate from or in any home, as defined in 78630
section 3313.64 of the Revised Code, located in the state, 78631
regardless of when the community school's operations from or in a 78632
particular home began. 78633

Section 265.420. USE OF VOLUNTEERS 78634

The Department of Education may utilize the services of 78635
volunteers to accomplish any of the purposes of the Department. 78636
The Superintendent of Public Instruction shall approve for what 78637
purposes volunteers may be used and for these purposes may 78638
recruit, train, and oversee the services of volunteers. The 78639
Superintendent may reimburse volunteers for necessary and 78640
appropriate expenses in accordance with state guidelines and may 78641
designate volunteers as state employees for the purpose of motor 78642
vehicle accident liability insurance under section 9.83 of the 78643
Revised Code, for immunity under section 9.86 of the Revised Code, 78644
and for indemnification from liability incurred in the performance 78645
of their duties under section 9.87 of the Revised Code. 78646

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 78647
REIMBURSEMENTS 78648

(A) Except as expressly required under a court judgment not 78649
subject to further appeals, or a settlement agreement with a 78650
school district executed on or before June 1, 2009, in the case of 78651
a school district for which the formula ADM for fiscal year 2005, 78652
as reported for that fiscal year under division (A) of section 78653
3317.03 of the Revised Code, was reduced based on enrollment 78654
reports for community schools, made under section 3314.08 of the 78655
Revised Code, regarding students entitled to attend school in the 78656

district, which reduction of formula ADM resulted in a reduction 78657
of foundation funding or transitional aid funding for fiscal year 78658
2005, 2006, or 2007, no school district, except a district named 78659
in the court's judgment or the settlement agreement, shall have a 78660
legal claim for reimbursement of the amount of such reduction in 78661
foundation funding or transitional aid funding, and the state 78662
shall not have liability for reimbursement of the amount of such 78663
reduction in foundation funding or transitional aid funding. 78664

(B) As used in this section: 78665

(1) "Community school" means a community school established 78666
under Chapter 3314. of the Revised Code. 78667

(2) "Entitled to attend school" means entitled to attend 78668
school in a school district under section 3313.64 or 3313.65 of 78669
the Revised Code. 78670

(3) "Foundation funding" means payments calculated for the 78671
respective fiscal year under Chapter 3317. of the Revised Code. 78672

(4) "Transitional aid funding" means payments calculated for 78673
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 78674
of the 125th General Assembly, as subsequently amended; Section 78675
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 78676
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 78677
of the 127th General Assembly. 78678

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 78679

In collaboration with the County Family and Children First 78680
Council, a city, local, or exempted village school district, 78681
community school, STEM school, joint vocational school district, 78682
educational service center, or county board of developmental 78683
disabilities that receives allocations from the Department of 78684
Education from appropriation item 200550, Foundation Funding, or 78685
appropriation item 200540, Special Education Enhancements, may 78686

transfer portions of those allocations to a flexible funding pool 78687
authorized by the section of this act entitled "FAMILY AND 78688
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 78689
maintenance of effort or for federal or state funding matching 78690
requirements shall not be transferred unless the allocation may 78691
still be used to meet such requirements. 78692

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 78693

(A) As used in this section: 78694

(1) The following are "participating residential treatment 78695
centers": 78696

(a) Private residential treatment facilities that have 78697
entered into a contract with the Department of Youth Services to 78698
provide services to children placed at the facility by the 78699
Department and which, in fiscal year 2020 or fiscal year 2021 or 78700
both, the Department pays through appropriation item 470401, 78701
RECLAIM Ohio; 78702

(b) Abraxas, in Shelby; 78703

(c) Paint Creek, in Bainbridge; 78704

(d) F.I.R.S.T., in Mansfield. 78705

(2) "Education program" means an elementary or secondary 78706
education program or a special education program and related 78707
services. 78708

(3) "Served child" means any child receiving an education 78709
program pursuant to division (B) of this section. 78710

(4) "School district responsible for tuition" means a city, 78711
exempted village, or local school district that, if tuition 78712
payment for a child by a school district is required under law 78713
that existed in fiscal year 1998, is the school district required 78714
to pay that tuition. 78715

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2020 and fiscal year 2021 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school

district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2020 and fiscal year 2021 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2020 and 2021, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of

the reimbursement shall be the amount appropriated for this 78779
purpose divided by the full-time equivalent number of children for 78780
whom reimbursement is to be made. 78781

(E) Funds provided to a school district, educational service 78782
center, or residential treatment facility under this section shall 78783
be used to supplement, not supplant, funds from other public 78784
sources for which the school district, service center, or 78785
residential treatment facility is entitled or eligible. 78786

(F) The Department of Education shall track the utilization 78787
of funds provided to school districts, educational service 78788
centers, and residential treatment facilities under this section 78789
and monitor the effect of the funding on the educational programs 78790
they provide in participating residential treatment facilities. 78791
The Department shall monitor the programs for educational 78792
accountability. 78793

Section 265.460. (A) The Superintendent of Public Instruction 78794
may form partnerships with Ohio's business community, including 78795
the Ohio Business Roundtable, to create and implement initiatives 78796
that connect students with the business community in an effort to 78797
increase student engagement and job readiness through internships, 78798
work study, and site-based learning experiences. 78799

(B) If the Superintendent forms a partnership pursuant to 78800
division (A) of this section, the initiatives created and 78801
implemented through that partnership shall do all of the 78802
following: 78803

(1) Support the career connection learning strategies 78804
described in division (B)(2) of section 3301.079 of the Revised 78805
Code; 78806

(2) Provide an opportunity for students to earn high school 78807
credit toward graduation or to meet curriculum requirements in 78808

accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code; 78809
78810

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code. 78811
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Section 265.470. The Department of Education shall study the feasibility of new funding models for internet- or computer-based community schools. In conducting the study, the department shall do all of the following: 78813
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(A) Consider models of funding based on competency and course completion; 78817
78818

(B) Consider models of funding used in other states, including Florida and New Hampshire; 78819
78820

(C) Make recommendations on the feasibility of new funding models for internet- or computer-based community schools. 78821
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Upon completion of the study, and not later than December 31, 2019, the department shall submit copies of the study to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the standing committees on education of the Senate and the House of Representatives. 78823
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Section 265.490. Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students. 78829
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Section 265.505. Not later than December 31, 2020, and December 31, 2021, the Department of Education shall submit an 78836
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annual report to the General Assembly in accordance with section 78838
101.68 of the Revised Code describing the manner in which the 78839
Department partnered with educational service centers in the 78840
delivery of services consistent with Chapter 3312. of the Revised 78841
Code, as specified in the sections of this act entitled "ACADEMIC 78842
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 78843
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 78844
previous fiscal year. 78845

Section 267.10. ELC OHIO ELECTIONS COMMISSION 78846

General Revenue Fund 78847

GRF 051321	Operating Expenses	\$	435,221	\$	435,221	78848
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TOTAL GRF	General Revenue Fund	\$	435,221	\$	435,221	78849
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Dedicated Purpose Fund Group 78850

4P20 051601	Operating Support	\$	199,460	\$	199,460	78851
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TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	78852
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	634,681	\$	634,681	78853
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 78855

DIRECTORS 78856

Dedicated Purpose Fund Group 78857

4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	78858
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TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281	78859
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	949,667	\$	1,033,281	78860
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Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 78862

Fiduciary Fund Group 78863

1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520	78864
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8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634	78865
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8070	995667	Disability Fund	\$ 24,790,268	\$ 25,839,844	78866
8080	995668	State Employee Health Benefit Fund	\$ 926,211,020	\$ 989,360,953	78867
8090	995669	Dependent Care Spending Account	\$ 4,100,000	\$ 4,477,000	78868
8100	995670	Life Insurance Investment Fund	\$ 1,757,422	\$ 1,810,144	78869
8110	995671	Parental Leave Benefit Fund	\$ 4,867,791	\$ 5,308,830	78870
8130	995672	Health Care Spending Account	\$ 15,206,162	\$ 16,806,372	78871
TOTAL FID Fiduciary Fund Group			\$ 1,897,602,133	\$ 1,958,725,297	78872
TOTAL ALL BUDGET FUND GROUPS			\$ 1,897,602,133	\$ 1,958,725,297	78873

Section 271.20. PAYROLL DEDUCTION FUND 78875

The foregoing appropriation item 995673, Payroll Deductions, 78876
shall be used to make payments from the Payroll Deduction Fund 78877
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 78878
is determined by the Director of Budget and Management that 78879
additional amounts are necessary, the amounts are hereby 78880
appropriated. 78881

ACCRUED LEAVE LIABILITY FUND 78882

The foregoing appropriation item 995666, Accrued Leave Fund, 78883
shall be used to make payments from the Accrued Leave Liability 78884
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 78885
If it is determined by the Director of Budget and Management that 78886
additional amounts are necessary, the amounts are hereby 78887
appropriated. 78888

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 78889

The foregoing appropriation item 995667, Disability Fund, 78890
shall be used to make payments from the State Employee Disability 78891
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 78892

Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 78893
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STATE EMPLOYEE HEALTH BENEFIT FUND 78896

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 78897
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78902

DEPENDENT CARE SPENDING FUND 78903

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 78904
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78909
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LIFE INSURANCE INVESTMENT FUND 78911

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated. 78912
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PARENTAL LEAVE BENEFIT FUND 78919

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental 78920
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leave benefits pursuant to section 124.137 of the Revised Code. If 78923
it is determined by the Director of Budget and Management that 78924
additional amounts are necessary, the amounts are hereby 78925
appropriated. 78926

HEALTH CARE SPENDING ACCOUNT FUND 78927

The foregoing appropriation item 995672, Health Care Spending 78928
Account, shall be used to make payments from the Health Care 78929
Spending Account Fund (Fund 8130) for payments pursuant to state 78930
employees' participation in a flexible spending account for 78931
non-reimbursed health care expenses and section 124.821 of the 78932
Revised Code. If it is determined by the Director of Budget and 78933
Management that additional amounts are necessary, the amounts are 78934
hereby appropriated. 78935

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 78936

General Revenue Fund 78937

GRF 125321	Operating Expenses	\$	3,998,046	\$	4,136,626	78938
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TOTAL GRF	General Revenue Fund	\$	3,998,046	\$	4,136,626	78939
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Dedicated Purpose Fund Group 78940

5720 125603	Training and	\$	227,193	\$	227,760	78941
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Publications

TOTAL DPF	Dedicated Purpose Fund	\$	227,193	\$	227,760	78942
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	4,225,239	\$	4,364,386	78943
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Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 78945

Dedicated Purpose Fund Group 78946

4K90 892609	Operating Expenses	\$	1,263,151	\$	1,312,259	78947
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TOTAL DPF	Dedicated Purpose Fund	\$	1,263,151	\$	1,312,259	78948
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,263,151	\$	1,312,259	78949
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Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY					78951		
General Revenue Fund					78952		
GRF	715502	Auto Emissions	\$	11,186,610	\$	11,046,610	78953
E-Check Program							
GRF	715507	Water and Sewer	\$	1,500,000	\$	1,500,000	78954
System Grants							
TOTAL GRF	General Revenue Fund		\$	12,686,610	\$	12,546,610	78955
Dedicated Purpose Fund Group						78956	
4D50	715618	Recycled State	\$	50,000	\$	50,000	78957
Materials							
4J00	715638	Underground Injection	\$	429,000	\$	429,000	78958
Control							
4K20	715648	Clean Air - Non Title	\$	5,101,448	\$	5,317,000	78959
V							
4K30	715649	Solid Waste	\$	14,747,770	\$	15,449,000	78960
4K40	715650	Surface Water	\$	10,114,999	\$	10,742,000	78961
Protection							
4K50	715651	Drinking Water	\$	8,062,598	\$	8,370,000	78962
Protection							
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	78963
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	78964
4R90	715658	Voluntary Action	\$	979,348	\$	1,094,800	78965
Program							
4T30	715659	Clean Air - Title V	\$	9,687,591	\$	9,944,000	78966
Permit Program							
5000	715608	Immediate Removal	\$	718,000	\$	722,000	78967
Special Account							
5030	715621	Hazardous Waste	\$	4,780,000	\$	5,118,000	78968
Facility Management							
5050	715623	Hazardous Waste	\$	11,540,322	\$	12,087,200	78969
Cleanup							

5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	78970
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	78971
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	78972
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	78973
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	78974
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	78975
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	78976
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	78977
5BC0	715673	Drinking and Ground Water	\$	3,653,543	\$	3,590,300	78978
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	78979
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	78980
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	78981
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	78982
5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	78983
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	78984
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	78985
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	78986
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	78987
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	78988
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	78989
6440	715631	Emergency Response	\$	276,500	\$	278,500	78990

		Radiological Safety					
6760	715642	Water Pollution	\$	4,606,024	\$	4,675,000	78991
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	3,837,987	\$	3,975,000	78992
		Administration					
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	78993
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	78994
6960	715643	Air Pollution Control	\$	987,855	\$	1,002,000	78995
		Administration					
6990	715644	Water Pollution	\$	287,060	\$	300,000	78996
		Control					
		Administration					
6A10	715645	Environmental	\$	1,087,749	\$	1,100,000	78997
		Education					
6H20	715695	H2Ohio	\$	8,675,000	\$	0	78998
TOTAL	DPF	Dedicated Purpose Fund	\$	146,121,513	\$	142,041,450	78999
Group							
Internal Service Activity Fund Group							79000
1990	715602	Laboratory Services	\$	519,950	\$	533,000	79001
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	79002
		Indirect					
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000	79003
TOTAL	ISA	Internal Service Activity	\$	9,490,234	\$	9,897,000	79004
Fund Group							
Federal Fund Group							79005
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000	79006
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000	79007
		- Federal					
3620	715605	Underground Injection	\$	131,262	\$	133,000	79008
		Control - Federal					
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000	79009

	Protection				
3CS0 715688	Federal NRD	\$	201,000	\$	201,000
	Settlements				
3F30 715632	Federally Supported	\$	6,771,522	\$	7,143,300
	Cleanup and Response				
3HE0 715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000
	Act Settlement				
3T30 715669	Drinking Water State	\$	3,072,853	\$	3,155,000
	Revolving Fund				
3V70 715606	Agencywide Grants	\$	700,000	\$	700,000
TOTAL FED	Federal Fund Group	\$	53,104,336	\$	57,566,300
TOTAL ALL BUDGET	FUND GROUPS	\$	221,402,693	\$	222,051,360

Section 277.20. WATER AND SEWER SYSTEM GRANTS 79018

The foregoing appropriation item 715507, Water and Sewer System Grants, shall be distributed equally in each fiscal year to the Village of Yankee Lake (Trumbull County) and to Pierpont Township (Ashtabula County) for the purpose of undertaking water and sewer system upgrades and improvements. 79019
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DRINKING AND GROUND WATER 79024

Of the foregoing appropriation item, 715673, Drinking and Ground Water, \$200,000 in FY 2020 shall be used to support a study, including the acquisition of any necessary equipment, to determine an estimate of storage capacity and maximum annual yield of the Michindoh Aquifer. 79025
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AREAWIDE PLANNING AGENCIES 79030

The Director of Environmental Protection may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 79031
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CASH TRANSFERS TO THE MARSH RESTORATION FUND 79036

On July 1, 2019, or as soon as possible thereafter, the 79037
Director of Budget and Management, in consultation with the 79038
Director of Environmental Protection, may transfer up to 79039
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 79040
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 79041
created in the state treasury. All moneys credited to Fund 5VA0 79042
are to be used for the remediation and restoration of the Mentor 79043
Marsh site in Mentor, Ohio. 79044

On July 1, 2019, or as soon as possible thereafter, the 79045
Director of Budget and Management, in consultation with the 79046
Director of Environmental Protection, may transfer up to 79047
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 79048
Fund 5VA0. 79049

H2OHIO FUND 79050

The foregoing appropriation item 715695, H2Ohio, shall be 79051
used by the Environmental Protection Agency to support watershed 79052
planning, scientific research, and data collection. In addition, 79053
the foregoing appropriation item 715695, H2Ohio, may be used to 79054
fund waterway improvement and protection of all state waterways in 79055
support of water quality priorities and management in accordance 79056
with section 126.60 of the Revised Code. 79057

On July 1, 2020, or as soon as possible thereafter, the 79058
Director of Environmental Protection may certify to the Director 79059
of Budget and Management an amount up to the unexpended, 79060
unencumbered balance of the foregoing appropriation item, 715695, 79061
H2Ohio, at the end of fiscal year 2020 to be reappropriated in 79062
fiscal year 2021. The amount certified is hereby reappropriated to 79063
the same appropriation item for fiscal year 2021. 79064

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 79065

General Revenue Fund				79066
GRF 172321 Operating Expenses	\$	634,000	\$ 651,000	79067
TOTAL GRF General Revenue Fund	\$	634,000	\$ 651,000	79068
TOTAL ALL BUDGET FUND GROUPS	\$	634,000	\$ 651,000	79069

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 79071

General Revenue Fund				79072
GRF 935401 Statehouse News	\$	330,000	\$ 330,000	79073
Bureau				
GRF 935402 Ohio Government	\$	1,783,526	\$ 1,708,526	79074
Telecommunications				
Services				
GRF 935410 Content Development,	\$	3,838,381	\$ 3,838,381	79075
Acquisition, and				
Distribution				
GRF 935430 Broadcast Education	\$	3,699,224	\$ 3,699,224	79076
Operating				
TOTAL GRF General Revenue Fund	\$	9,651,131	\$ 9,576,131	79077
Dedicated Purpose Fund Group				79078
5FK0 935608 Media Services	\$	95,000	\$ 95,000	79079
5VB0 935650 Facility Rental	\$	30,000	\$ 32,000	79080
TOTAL DPF Dedicated Purpose Fund	\$	125,000	\$ 127,000	79081
Group				
Internal Service Activity Fund Group				79082
4F30 935603 Affiliate Services	\$	4,000	\$ 4,000	79083
TOTAL ISA Internal Service Activity				79084
Fund Group	\$	4,000	\$ 4,000	79085
TOTAL ALL BUDGET FUND GROUPS	\$	9,780,131	\$ 9,707,131	79086

Section 281.20. STATEHOUSE NEWS BUREAU 79088

The foregoing appropriation item 935401, Statehouse News 79089
Bureau, shall be used solely to support the operations of the Ohio 79090

Statehouse News Bureau. 79091

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 79092

The foregoing appropriation item 935402, Ohio Government 79093
Telecommunications Services, shall be used solely to support the 79094
operations of Ohio Government Telecommunications Services which 79095
include providing multimedia support to the state government and 79096
its affiliated organizations and broadcasting the activities of 79097
the legislative, judicial, and executive branches of state 79098
government, among its other functions. 79099

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 79100

The foregoing appropriation item 935410, Content Development, 79101
Acquisition, and Distribution, shall be used for the development, 79102
acquisition, and distribution of information resources by public 79103
media and radio reading services and for educational use in the 79104
classroom and online. 79105

Of the foregoing appropriation item 935410, Content 79106
Development, Acquisition, and Distribution, up to \$977,856 in each 79107
fiscal year shall be allocated equally among the Ohio educational 79108
television stations. Funds shall be used for the production of 79109
interactive instructional programming series with priority given 79110
to resources aligned with state academic content standards. The 79111
programming shall be targeted to the needs of the one-third lowest 79112
capacity school districts as determined by the district's state 79113
share index calculated by the Department of Education. 79114

Of the foregoing appropriation item 935410, Content 79115
Development, Acquisition, and Distribution, up to \$2,574,472 in 79116
each fiscal year shall be distributed by the Broadcast Educational 79117
Media Commission to Ohio's qualified public educational television 79118
stations and educational radio stations to support their 79119
operations. The funds shall be distributed pursuant to an 79120
allocation formula used by the Ohio Educational Telecommunications 79121

Network Commission unless a substitute formula is developed by the 79122
Broadcast Educational Media Commission in consultation with Ohio's 79123
qualified public educational television stations and educational 79124
radio stations. 79125

Of the foregoing appropriation item 935410, Content 79126
Development, Acquisition, and Distribution, up to \$286,053 in each 79127
fiscal year shall be distributed by the Broadcast Educational 79128
Media Commission to Ohio's qualified radio reading services to 79129
support their operations. The funds shall be distributed pursuant 79130
to an allocation formula used by the Ohio Educational 79131
Telecommunications Network Commission unless a substitute formula 79132
is developed by the Broadcast Educational Media Commission in 79133
consultation with Ohio's qualified radio reading services. 79134

Section 283.10. ETH OHIO ETHICS COMMISSION 79135

General Revenue Fund 79136

GRF 146321	Operating Expenses	\$	1,821,515	\$	2,068,492	79137
TOTAL GRF	General Revenue Fund	\$	1,821,515	\$	2,068,492	79138

Dedicated Purpose Fund Group 79139

4M60 146601	Operating Support	\$	652,578	\$	536,516	79140
TOTAL DPF	Dedicated Purpose Fund	\$	652,578	\$	536,516	79141

Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,474,093	\$	2,605,008	79142
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 79144

General Revenue Fund 79145

GRF 723403	Junior Fair Subsidy	\$	363,750	\$	363,750	79146
TOTAL GRF	General Revenue Fund	\$	363,750	\$	363,750	79147

Dedicated Purpose Fund Group 79148

4N20 723602	Ohio State Fair	\$	375,000	\$	375,000	79149
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Harness Racing

5060 723601	Operating Expenses	\$	15,100,897	\$	15,363,166	79150
5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	79151
	and Repairs					
TOTAL DPF Dedicated Purpose Fund		\$	15,775,897	\$	16,038,166	79152
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	16,139,647	\$	16,401,916	79153

STATE FAIR RESERVE 79154

The General Manager of the Expositions Commission, in 79155
consultation with the Director of Budget and Management, may 79156
submit a request to the Controlling Board to use available amounts 79157
in the State Fair Reserve Fund (Fund 6400) if revenues from either 79158
the 2019 or the 2020 Ohio State Fair are unexpectedly low. 79159

On July 1 of each fiscal year, or as soon as possible 79160
thereafter, the Director of Budget and Management, in consultation 79161
with the General Manager of the Expositions Commission, may 79162
determine that the Ohio Expositions Fund (Fund 5060) has a cash 79163
balance in excess of the anticipated operating costs of the 79164
Exposition Commission in that fiscal year. Notwithstanding section 79165
991.04 of the Revised Code, the Director of Budget and Management 79166
may transfer an amount up to the excess cash from Fund 5060 to 79167
Fund 6400 in each fiscal year. 79168

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 79169

General Revenue Fund						79170
GRF 230321	Operating Expenses	\$	6,662,729	\$	6,660,461	79171
GRF 230401	Cultural Facilities	\$	33,102,800	\$	28,670,300	79172
	Lease Rental Bond					
	Payments					
GRF 230458	State Construction	\$	1,773,454	\$	1,922,473	79173
	Management Services					
GRF 230908	Common Schools	\$	410,259,800	\$	424,825,900	79174
	General Obligation					

Bond Debt Service					
TOTAL GRF General Revenue Fund	\$	451,798,783	\$	462,079,134	79175
Dedicated Purpose Fund Group					79176
5VU0 230646 School Bus Purchase	\$	0	\$	20,000,000	79177
TOTAL DPF Dedicated Purpose Fund Group	\$	0	\$	20,000,000	79178
Internal Service Activity Fund Group					79179
1310 230639 State Construction	\$	16,152,778	\$	16,356,157	79180
Management Operations					
TOTAL ISA Internal Service Activity Fund Group	\$	16,152,778	\$	16,356,157	79181
TOTAL ALL BUDGET FUND GROUPS	\$	467,951,561	\$	498,435,291	79182

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 79184
PAYMENTS 79185

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code. 79186-79193

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 79194

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.03 of the Revised Code. 79195-79199

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 79200

The foregoing appropriation item 230458, State Construction 79201

Management Services, shall be used by the Ohio Facilities 79202
Construction Commission in administering Cultural and Sports 79203
Facilities Building Fund (Fund 7030) projects pursuant to section 79204
123.201 of the Revised Code. 79205

SCHOOL BUS PURCHASE 79206

The foregoing appropriation item 230646, School Bus Purchase, 79207
shall be used by the Ohio Facilities Construction Commission to 79208
assist school districts in purchasing school buses in accordance 79209
with the program developed under this section. 79210

The Commission, in partnership with the departments of 79211
Administrative Services and Public Safety, shall develop a program 79212
to provide school bus purchase assistance in a manner comparable 79213
to the method in which school facilities assistance is provided 79214
under sections 3318.01 to 3318.20 of the Revised Code. Not later 79215
than January 31, 2020, the Ohio Facilities Construction Commission 79216
and the departments of Administrative Services and Public Safety 79217
shall submit a report to the General Assembly in accordance with 79218
section 101.68 of the Revised Code that describes how the program 79219
will operate. 79220

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 79221

At the request of the Executive Director of the Ohio 79222
Facilities Construction Commission, the Director of Budget and 79223
Management may cancel encumbrances for school district projects 79224
from a previous biennium if the district has not raised its local 79225
share of project costs within thirteen months of receiving 79226
Controlling Board approval under section 3318.05 or 3318.41 of the 79227
Revised Code. The Executive Director of the Ohio Facilities 79228
Construction Commission shall certify the amounts of the canceled 79229
encumbrances to the Director of Budget and Management on a 79230
quarterly basis. The amounts of the canceled encumbrances are 79231
hereby appropriated. 79232

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 79233
APPROPRIATIONS 79234

On July 1, 2019, or as soon as possible thereafter, the 79235
Executive Director of the Ohio Facilities Construction Commission 79236
shall certify to the Director of Budget and Management the amount 79237
of cash receipts and related investment income, irrevocable 79238
letters of credit from a bank, or certification of the 79239
availability of funds that have been received from a county or a 79240
municipal corporation for deposit into the Capital Donations Fund 79241
(Fund 5A10) and that are related to an anticipated project. These 79242
amounts are hereby appropriated to appropriation item C37146, 79243
Capital Donations. Prior to certifying these amounts to the 79244
Director, the Executive Director shall make a written agreement 79245
with the participating entity on the necessary cash flows required 79246
for the anticipated construction or equipment acquisition project. 79247

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 79248
MAINTENANCE LEVY 79249

The Ohio Facilities Construction Commission shall amend the 79250
project agreement between the Commission and a school district 79251
that is participating in the Accelerated Urban School Building 79252
Assistance Program on the effective date of this section, if the 79253
Commission determines that it is necessary to do so in order to 79254
comply with division (B)(3)(c) of section 3318.38 of the Revised 79255
Code. 79256

Section 287.60. Notwithstanding any other provision of law to 79257
the contrary, the Ohio Facilities Construction Commission may 79258
determine the amount of funding available for disbursement in a 79259
given fiscal year for any project approved under sections 3318.01 79260
to 3318.20 of the Revised Code in order to keep aggregate state 79261
capital spending within approved limits and may take actions 79262

including, but not limited to, determining the schedule for design 79263
or bidding of approved projects, to ensure appropriate and 79264
supportable cash flow. 79265

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 79266
DISTRICT 79267

Notwithstanding division (B) of section 3318.40 of the 79268
Revised Code, the Ohio Facilities Construction Commission shall 79269
provide assistance to at least one joint vocational school 79270
district each fiscal year for the acquisition or improvement of 79271
classroom facilities in accordance with sections 3318.40 to 79272
3318.45 of the Revised Code. 79273

Section 287.80. RETURNED OR RECOVERED FUNDS 79274

Notwithstanding any provision of law to the contrary, any 79275
moneys a school district transfers to the Ohio Facilities 79276
Construction Commission under division (C)(2) or (3) of section 79277
3318.12 of the Revised Code as well as any moneys recovered from 79278
settlements with or judgments against parties relating to their 79279
involvement in a classroom facilities project shall be deposited 79280
into the fund from which the capital appropriation for the project 79281
was made. In fiscal year 2020, the Executive Director of the Ohio 79282
Facilities Construction Commission may request the Director of 79283
Budget and Management to authorize expenditures from those funds 79284
and specified appropriation items in excess of the amounts 79285
appropriated in an amount equal to the amount of the funds 79286
deposited under this section. The additional amounts, if 79287
authorized, shall be used in accordance with the purposes of 79288
Chapter 3318. of the Revised Code for projects pursuant to 79289
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 79290
Revised Code. Upon approval of the Director of Budget and 79291
Management, the additional amounts are hereby appropriated. 79292

Section 289.10. GOV OFFICE OF THE GOVERNOR				79293
General Revenue Fund				79294
GRF 040321	Operating Expenses	\$ 2,914,740	\$ 2,973,034	79295
TOTAL GRF General Revenue Fund				79296
Internal Service Activity Fund Group				79297
5AK0 040607	Government Relations	\$ 613,870	\$ 619,988	79298
TOTAL ISA Internal Service Activity				79299
Fund Group				79300
TOTAL ALL BUDGET FUND GROUPS				79301
GOVERNMENT RELATIONS				79302
The Office of the Governor may issue an intrastate transfer				79303
voucher to charge any state agency of the executive branch such				79304
amounts necessary to represent the interests of Ohio to federal,				79305
state, and local government units and to cover the costs or				79306
membership dues related to Ohio's participation in national and				79307
regional associations. Amounts collected shall be deposited in the				79308
Government Relations Fund (Fund 5AK0).				79309
Section 291.10. DOH DEPARTMENT OF HEALTH				79310
General Revenue Fund				79311
GRF 440416	Mothers and Children	\$ 4,303,612	\$ 4,303,612	79312
Safety Net Services				
GRF 440431	Free Clinic Safety Net	\$ 1,500,000	\$ 1,500,000	79313
Services				
GRF 440438	Breast and Cervical	\$ 671,131	\$ 671,131	79314
Cancer Screening				
GRF 440444	AIDS Prevention and	\$ 3,493,468	\$ 3,493,468	79315
Treatment				
GRF 440451	Public Health	\$ 3,672,005	\$ 3,672,005	79316
Laboratory				
GRF 440452	Child and Family	\$ 589,482	\$ 589,482	79317

	Health Services Match					
GRF 440453	Health Care Quality Assurance	\$	5,083,225	\$	5,084,936	79318
GRF 440454	Environmental Health/Radiation Protection	\$	2,783,438	\$	2,779,841	79319
GRF 440459	Help Me Grow	\$	30,289,149	\$	39,292,281	79320
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688	79321
GRF 440472	Alcohol Testing	\$	1,232,732	\$	1,210,805	79322
GRF 440474	Infant Vitality	\$	7,137,292	\$	7,137,292	79323
GRF 440477	Emergency Preparedness and Response	\$	1,431,677	\$	1,431,954	79324
GRF 440481	Lupus Awareness	\$	93,120	\$	93,120	79325
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	7,420,089	\$	7,648,480	79326
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	79327
GRF 440484	Public Health Technology Innovation	\$	543,369	\$	313,760	79328
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451	79329
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000	79330
GRF 440529	Harm Reduction	\$	50,000	\$	50,000	79331
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$	4,246,250	79332
TOTAL GRF	General Revenue Fund	\$	94,992,943	\$	103,989,610	79333
	Highway Safety Fund Group					79334
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000	79335
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000	79336
	Dedicated Purpose Fund Group					79337

4700	440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120	79338
4710	440619	Certificate of Need	\$	878,433	\$	878,433	79339
4730	440622	Lab Operating Expenses	\$	8,826,132	\$	8,900,000	79340
4770	440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000	79341
4D60	440608	Genetics Services	\$	3,311,039	\$	3,311,039	79342
4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	79343
4G00	440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	79344
4G00	440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	79345
4L30	440609	HIV Care and Miscellaneous Expenses	\$	26,935,756	\$	27,000,000	79346
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	79347
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	79348
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	79349
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	79350
5CN0	440645	Choose Life	\$	80,000	\$	80,000	79351
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	79352
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	79353
5G40	440639	Adoption Services	\$	150,000	\$	150,000	79354
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	79355
5PE0	440659	Breast and Cervical	\$	200,000	\$	200,000	79356

		Cancer Services					
5QJ0	440662	Dental Hygienist Loan	\$	100,000	\$	100,000	79357
		Repayments					
5SH0	440520	Children's Wish Grant	\$	275,000	\$	275,000	79358
		Program					
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	79359
5Z70	440624	Ohio Dentist Loan	\$	200,000	\$	200,000	79360
		Repayment					
6100	440626	Radiation Emergency	\$	1,269,262	\$	1,300,000	79361
		Response					
6660	440607	Medically Handicapped	\$	23,948,173	\$	24,000,000	79362
		Children - County					
		Assessments					
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	79363
TOTAL DPF		Dedicated Purpose Fund	\$	120,236,564	\$	120,521,610	79364
Group							
Internal Service Activity Fund Group							79365
1420	440646	Agency Health	\$	4,984,080	\$	5,000,000	79366
		Services					
2110	440613	Central Support	\$	28,897,875	\$	29,500,000	79367
		Indirect Costs					
TOTAL ISA		Internal Service Activity	\$	33,881,955	\$	34,500,000	79368
Fund Group							
Holding Account Fund Group							79369
R014	440631	Vital Statistics	\$	44,986	\$	44,986	79370
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	79371
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	79372
Group							
Federal Fund Group							79373
3200	440601	Maternal Child Health	\$	24,673,419	\$	25,000,000	79374

		Block Grant				
3870	440602	Preventive Health	\$	9,681,749	\$	9,750,000 79375
		Block Grant				
3890	440604	Women, Infants, and Children	\$	219,839,807	\$	220,000,000 79376
3910	440606	Medicare Survey and Certification	\$	17,049,993	\$	17,500,000 79377
3920	440618	Federal Public Health Programs	\$	94,344,493	\$	95,000,000 79378
3GD0	654601	Medicaid Program Support	\$	28,161,187	\$	28,540,949 79379
3GN0	440660	Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000 79380
TOTAL FED	Federal Fund Group		\$	420,098,591	\$	422,290,949 79381
TOTAL ALL BUDGET FUND GROUPS			\$	669,475,039	\$	681,567,155 79382

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 79384

Of the foregoing appropriation item 440416, Mothers and 79385
 Children Safety Net Services, up to \$200,000 in each fiscal year 79386
 may be used to assist families with hearing impaired children 79387
 under twenty-one years of age in purchasing hearing aids and 79388
 hearing assistive technology. The Director of Health shall adopt 79389
 rules governing the distribution of these funds, including rules 79390
 that do both of the following: (1) establish eligibility criteria 79391
 to include families with incomes at or below four hundred per cent 79392
 of the federal poverty guidelines as defined in section 5101.46 of 79393
 the Revised Code, and (2) develop a sliding scale of disbursements 79394
 under this section based on family income. The Director may adopt 79395
 other rules as necessary to implement this section. Rules adopted 79396
 under this section shall be adopted in accordance with Chapter 79397
 119. of the Revised Code. 79398

FREE CLINIC SAFETY NET SERVICES 79399

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Ohio Association of Free Clinics. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities.

AIDS PREVENTION AND TREATMENT

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers.

INFANT VITALITY

Of the foregoing appropriation item 440474, Infant Vitality, \$175,000 in each fiscal year shall be provided to Produce Perks Midwest, Inc., for the Prescription Produce Intervention for Maternal Health Program to improve maternal health, nutrition, and infant mortality rates in Ohio.

The remainder of appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that

is evidence-based or based on emerging practices. Measurable 79431
interventions may include activities related to safe sleep, 79432
community engagement, Centering Pregnancy, newborn screening, safe 79433
birth spacing, gestational diabetes, smoking cessation, 79434
breastfeeding, care coordination, and progesterone. 79435

EMERGENCY PREPAREDNESS AND RESPONSE 79436

The foregoing appropriation item 440477, Emergency 79437
Preparedness and Response, shall be used to support public health 79438
emergency preparedness and response efforts at the state level or 79439
at a regional sub-level within the state, and may also be used to 79440
support data infrastructure projects. 79441

LUPUS AWARENESS 79442

The foregoing appropriation item 440481, Lupus Awareness, 79443
shall be distributed to the Lupus Foundation of America, Greater 79444
Ohio Chapter, Inc., to operate a lupus education and awareness 79445
program. 79446

TARGETED HEALTH CARE SERVICES-OVER 21 79447

The foregoing appropriation item 440507, Targeted Health Care 79448
Services-Over 21, shall be used to administer the Cystic Fibrosis 79449
Program and to implement the Hemophilia Insurance Premium Payment 79450
Program. The Department of Health shall expend \$100,000 in each 79451
fiscal year to implement the Hemophilia Insurance Premium Payment 79452
Program. 79453

The foregoing appropriation item 440507, Targeted Health Care 79454
Services-Over 21, shall also be used to provide essential 79455
medications and to pay the copayments for drugs approved by the 79456
Department of Health and covered by Medicare Part D that are 79457
dispensed to Bureau for Children with Medical Handicaps (BCMh) 79458
participants for the Cystic Fibrosis Program. 79459

The Department shall expend all of these funds. 79460

HARM REDUCTION 79461

The foregoing appropriation item 440529, Harm Reduction, 79462
shall be used to distribute funding of up to \$15,000 per program 79463
per fiscal year to local health departments that operate harm 79464
reduction programs, including syringe services. Local health 79465
departments eligible for funding shall be accredited or in the 79466
process of becoming accredited through the Public Health 79467
Accreditation Board. 79468

FEE SUPPORTED PROGRAMS 79469

Of the foregoing appropriation item 440647, Fee Supported 79470
Programs, \$2,160,000 in each fiscal year shall be used to 79471
distribute subsidies to local health departments on a per capita 79472
basis. 79473

Of the foregoing appropriation item 440647, Fee Supported 79474
Programs, \$1,500,000 in each fiscal year shall be used to 79475
distribute subsidies to local health departments accredited 79476
through the Public Health Accreditation Board on a per capita 79477
basis. 79478

MEDICALLY HANDICAPPED CHILDREN AUDIT 79479

The Medically Handicapped Children Audit Fund (Fund 4770) 79480
shall receive revenue from audits of hospitals and recoveries from 79481
third-party payers. Moneys may be expended for payment of audit 79482
settlements and for costs directly related to obtaining recoveries 79483
from third-party payers and for encouraging Medically Handicapped 79484
Children's Program recipients to apply for third-party benefits. 79485
Moneys also may be expended for payments for diagnostic and 79486
treatment services on behalf of medically handicapped children, as 79487
defined in division (A) of section 3701.022 of the Revised Code, 79488
and Ohio residents who are twenty-one or more years of age and who 79489
are suffering from cystic fibrosis or hemophilia. Moneys may also 79490
be expended for administrative expenses incurred in operating the 79491

Medically Handicapped Children's Program. 79492

GENETICS SERVICES 79493

The foregoing appropriation item 440608, Genetics Services, 79494
shall be used by the Department of Health to administer programs 79495
authorized by sections 3701.501 and 3701.502 of the Revised Code. 79496
None of these funds shall be used to counsel or refer for 79497
abortion, except in the case of a medical emergency. 79498

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 79499

Of the foregoing appropriation item 440656, Tobacco Use 79500
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 79501
year shall be used to award grants in accordance with the section 79502
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 79503

Of the foregoing appropriation item 440656, Tobacco Use 79504
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 79505
year shall be distributed to boards of health for the Baby and Me 79506
Tobacco Free Program. The Director of Health shall determine how 79507
the funds are to be distributed, but shall prioritize awards to 79508
boards that serve women who reside in communities that have the 79509
highest infant mortality rates in this state, as identified under 79510
section 3701.142 of the Revised Code. 79511

The remainder of appropriation item 440656, Tobacco Use 79512
Prevention, Cessation, and Enforcement, shall be used to 79513
administer tobacco use prevention and cessation activities and 79514
programs, to administer compliance checks, retailer education, and 79515
programs related to legal age restrictions, and to enforce the 79516
Ohio Smoke-Free Workplace Act. 79517

TOXICOLOGY SCREENINGS 79518

The foregoing appropriation item 440621, Toxicology 79519
Screenings, shall be used to reimburse county coroners in counties 79520
in which the coroner has performed toxicology screenings on 79521

victims of a drug overdose. The Director of Health shall transfer 79522
the funds to the counties in proportion to the numbers of 79523
toxicology screenings performed per county. 79524

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 79525

The foregoing appropriation item 440607, Medically 79526
Handicapped Children - County Assessments, shall be used to make 79527
payments under division (E) of section 3701.023 of the Revised 79528
Code. 79529

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 79530

If the Director of Health determines that there are 79531
insufficient funds in appropriation item 440477, Emergency 79532
Preparedness and Response, for public health emergency 79533
preparedness and response activities, the Director may certify to 79534
the Director of Budget and Management an amount necessary to 79535
address these activities. Upon certification, the Director of 79536
Budget and Management shall transfer up to \$500,000 cash in each 79537
fiscal year from the Controlling Board Emergency 79538
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 79539
Preparedness and Response Fund (Fund 5UA0). The amount transferred 79540
is hereby appropriated. 79541

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 79542

(A) The Department of Health shall create the Moms Quit for 79543
Two Grant Program. Recognizing the significant health risks posed 79544
to women and their children by tobacco use during and after 79545
pregnancy, the Department shall award grants to private, nonprofit 79546
entities or government entities that demonstrate the ability to 79547
deliver evidence-based tobacco cessation interventions to women 79548
who reside in communities that have the highest incidence of 79549
infant mortality, as determined by the Director of Health, and who 79550
are pregnant or live with children. Funds awarded under this 79551

section shall not be used to provide tobacco cessation 79552
interventions to women who are eligible for Medicaid. The 79553
Department may adopt any rules it considers necessary to 79554
administer the Program. 79555

(B) The Department shall create a grant application and 79556
develop a process for receiving and evaluating completed grant 79557
applications on a competitive basis. The Department shall give 79558
first preference to the entities described in division (A) of this 79559
section that are able to target the interventions to pregnant 79560
women and second preference to such entities that are able to 79561
target the interventions to women living with children. The 79562
Department's decision regarding a submitted grant application is 79563
final. 79564

(C) The Department shall establish performance objectives to 79565
be met by grant recipients. The Department shall monitor the 79566
performance of each grant recipient in meeting the objectives. 79567

Section 291.40. WIC VENDOR CONTRACTS 79568

(A) As used in this section, "WIC" means the Special 79569
Supplemental Nutrition Program for Women, Infants, and Children 79570
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 79571
42 U.S.C. 1786, as amended. 79572

(B) During fiscal year 2020 and fiscal year 2021, the 79573
Department of Health shall process and review a WIC vendor 79574
contract application pursuant to Chapter 3701-42 of the 79575
Administrative Code not later than forty-five days after receipt 79576
of the application if the applicant is a WIC-contracted vendor at 79577
the time of application and meets all of the following 79578
requirements: 79579

(1) Submits a complete WIC vendor application with all 79580
required documents and information; 79581

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application; 79582
79583

(3) Completes the required in-person training within forty-five days of submitting the complete application. 79584
79585

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region. 79586
79587
79588
79589
79590
79591

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 79592

Dedicated Purpose Fund Group 79593

4610 372601	Operating Expenses	\$	12,500	\$	12,500	79594
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TOTAL DPF Dedicated Purpose Fund		\$	12,500	\$	12,500	79595
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	79596
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Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 79598

General Revenue Fund 79599

GRF 148321	Operating Expenses	\$	464,888	\$	464,047	79600
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TOTAL GRF General Revenue Fund		\$	464,888	\$	464,047	79601
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Dedicated Purpose Fund Group 79602

6010 148602	Special Initiatives	\$	24,558	\$	24,558	79603
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TOTAL DPF Dedicated Purpose						79604
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Fund Group		\$	24,558	\$	24,558	79605
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TOTAL ALL BUDGET FUND GROUPS		\$	489,446	\$	488,605	79606
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Section 297.10. OHS OHIO HISTORY CONNECTION 79608

General Revenue Fund 79609

GRF 360501	Education and	\$	5,180,712	\$	5,151,712	79610
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		Collections				
GRF	360502	Site and Museum	\$	6,707,853	\$	6,772,853 79611
		Operations				
GRF	360504	Ohio Preservation	\$	281,300	\$	281,300 79612
		Office				
GRF	360505	National	\$	485,000	\$	485,000 79613
		Afro-American Museum				
GRF	360506	Hayes Presidential	\$	550,000	\$	550,000 79614
		Center				
GRF	360508	State Historical	\$	1,488,500	\$	1,488,500 79615
		Grants				
GRF	360509	Outreach and	\$	155,583	\$	155,583 79616
		Partnership				
TOTAL GRF		General Revenue Fund	\$	14,848,948	\$	14,884,948 79617
		Dedicated Purpose Fund Group				79618
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000 79619
		Check-off				
5PD0	360603	Ohio History License	\$	10,000	\$	10,000 79620
		Plate				
TOTAL DPF		Dedicated Purpose Fund	\$	160,000	\$	160,000 79621
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	15,008,948	\$	15,044,948 79622

SUBSIDY APPROPRIATION 79623

Upon approval by the Director of Budget and Management, the 79624
foregoing appropriation items shall be released to the Ohio 79625
History Connection in quarterly amounts that in total do not 79626
exceed the annual appropriations. The funds and fiscal records of 79627
the Ohio History Connection for fiscal year 2020 and fiscal year 79628
2021 shall be examined by independent certified public accountants 79629
approved by the Auditor of State, and a copy of the audited 79630
financial statements shall be filed with the Office of Budget and 79631
Management. 79632

The foregoing appropriations shall be considered to be the 79633
contractual consideration provided by the state to support the 79634
state's offer to contract with the Ohio History Connection under 79635
section 149.30 of the Revised Code. 79636

STATE HISTORICAL GRANTS 79637

Of the foregoing appropriation item 360508, State Historical 79638
Grants, \$125,000 in each fiscal year shall be used for the Western 79639
Reserve Historical Society and \$125,000 in each fiscal year shall 79640
be used for the Cincinnati Museum Center. 79641

Of the foregoing appropriation item 360508, State Historical 79642
Grants, \$38,500 in each fiscal year shall be allocated to support 79643
the American Jewish Archives of the Hebrew Union College-Jewish 79644
Institute of Religion. 79645

Of the foregoing appropriation item 360508, State Historical 79646
Grants, \$325,000 in each fiscal year shall be allocated to support 79647
the Cleveland Museum of Natural History. 79648

Of the foregoing appropriation item 360508, State Historical 79649
Grants, \$325,000 in each fiscal year shall be allocated to support 79650
the Cleveland Institute of Art. 79651

Of the foregoing appropriation item 360508, State Historical 79652
Grants, \$100,000 in each fiscal year shall be allocated to support 79653
the Nancy and David Wolf Holocaust and Humanity Center. 79654

Of the foregoing appropriation item 360508, State Historical 79655
Grants, \$150,000 in each fiscal year shall be used to support the 79656
Victoria Theater Association and \$150,000 in each fiscal year 79657
shall be used to support the Boonshoft Museum of Discovery. 79658

Of the foregoing appropriation item 360508, State Historical 79659
Grants, \$150,000 in each fiscal year shall be allocated to support 79660
the National First Ladies Library in Canton, Ohio. 79661

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 79662

General Revenue Fund				79663
GRF 025321 Operating Expenses	\$	25,917,274	\$ 25,917,274	79664
TOTAL GRF General Revenue Fund	\$	25,917,274	\$ 25,917,274	79665
Internal Service Activity Fund Group				79666
1030 025601 House of	\$	1,433,664	\$ 1,433,664	79667
Representatives				
Reimbursement				
4A40 025602 Miscellaneous Sales	\$	50,000	\$ 50,000	79668
TOTAL ISA Internal Service Activity				79669
Fund Group	\$	1,483,664	\$ 1,483,664	79670
TOTAL ALL BUDGET FUND GROUPS	\$	27,400,938	\$ 27,400,938	79671

OPERATING EXPENSES 79672

On July 1, 2019, or as soon as possible thereafter, the Chief 79673
Administrative Officer of the House of Representatives may certify 79674
to the Director of Budget and Management an amount up to the 79675
unexpended, unencumbered balance of the foregoing appropriation 79676
item 025321, Operating Expenses, at the end of fiscal year 2019 to 79677
be reappropriated to fiscal year 2020. The amount certified is 79678
hereby reappropriated to the same appropriation item for fiscal 79679
year 2020. 79680

On July 1, 2020, or as soon as possible thereafter, the Chief 79681
Administrative Officer of the House of Representatives may certify 79682
to the Director of Budget and Management an amount up to the 79683
unexpended, unencumbered balance of the foregoing appropriation 79684
item 025321, Operating Expenses, at the end of fiscal year 2020 to 79685
be reappropriated to fiscal year 2021. The amount certified is 79686
hereby reappropriated to the same appropriation item for fiscal 79687
year 2021. 79688

HOUSE REIMBURSEMENT 79689

If it is determined by the Chief Administrative Officer of 79690
the House of Representatives that additional appropriations are 79691

necessary for the foregoing appropriation item 025601, House 79692
Reimbursement, the amounts are hereby appropriated. 79693

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 79694

Dedicated Purpose Fund Group 79695

5AZ0 997601 Housing Finance Agency \$ 12,267,196 \$ 12,819,657 79696

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,267,196 \$ 12,819,657 79697

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,267,196 \$ 12,819,657 79698

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 79700

General Revenue Fund 79701

GRF 965321 Operating Expenses \$ 1,512,881 \$ 1,509,581 79702

TOTAL GRF General Revenue Fund \$ 1,512,881 \$ 1,509,581 79703

Internal Service Activity Fund Group 79704

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 79705

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 79706

General for BWC/OIC

TOTAL ISA Internal Service Activity 79707

Fund Group \$ 825,000 \$ 825,000 79708

TOTAL ALL BUDGET FUND GROUPS \$ 2,337,881 \$ 2,334,581 79709

Section 305.10. INS DEPARTMENT OF INSURANCE 79711

Dedicated Purpose Fund Group 79712

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 79713

OSHIIP

5540 820606 Operating Expenses \$ 29,580,629 \$ 30,661,244 79714

5550 820605 Examination \$ 8,938,161 \$ 9,179,766 79715

5PT0 820613 Captive Insurance \$ 650,000 \$ 650,000 79716

Regulation and

Supervision

TOTAL DPF Dedicated Purpose				79717	
Fund Group	\$	39,348,790	\$	40,671,010	79718
Federal Fund Group				79719	
3U50 820602 OSHIIP Operating	\$	2,793,150	\$	2,793,150	79720
Grant					
TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150	79721
TOTAL ALL BUDGET FUND GROUPS	\$	42,141,940	\$	43,464,160	79722

MARKET CONDUCT EXAMINATION 79723

When conducting a market conduct examination of any insurer 79724
doing business in this state, the Superintendent of Insurance may 79725
assess the costs of the examination against the insurer. The 79726
Superintendent may enter into consent agreements to impose 79727
administrative assessments or fines for conduct discovered that 79728
may be violations of statutes or rules administered by the 79729
Superintendent. All costs, assessments, or fines collected shall 79730
be deposited to the credit of the Department of Insurance 79731
Operating Fund (Fund 5540). 79732

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 79733

The Director of Budget and Management, at the request of the 79734
Superintendent of Insurance, may transfer cash from the Department 79735
of Insurance Operating Fund (Fund 5540), established by section 79736
3901.021 of the Revised Code, to the Superintendent's Examination 79737
Fund (Fund 5550), established by section 3901.071 of the Revised 79738
Code, only for expenses incurred in examining domestic fraternal 79739
benefit societies as required by section 3921.28 of the Revised 79740
Code. 79741

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 79742
AND SUPERVISION 79743

When funds from captive insurance company application fees, 79744
reimbursements from captive insurance companies for examinations, 79745

and other sources have accrued to the Captive Insurance Regulation 79746
and Supervision Fund (Fund 5PT0) in such amounts as are deemed 79747
sufficient to sustain operations, the Director of Budget and 79748
Management, in consultation with the Superintendent of Insurance, 79749
shall establish a schedule for repaying the amounts previously 79750
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 79751
Fund 5540. 79752

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 79753

General Revenue Fund					79754
GRF 600410	TANF State Maintenance	\$ 144,267,326	\$ 144,267,326		79755
	of Effort				
GRF 600413	Child Care	\$ 83,461,739	\$ 83,461,739		79756
	State/Maintenance of				
	Effort				
GRF 600450	Program Operations	\$ 145,103,056	\$ 145,441,048		79757
GRF 600502	Child Support - Local	\$ 23,456,891	\$ 23,456,891		79758
GRF 600521	Family Assistance -	\$ 44,748,768	\$ 44,748,768		79759
	Local				
GRF 600523	Family and Children	\$ 181,107,628	\$ 181,397,628		79760
	Services				
GRF 600528	Adoption Services	\$ 28,922,517	\$ 28,922,517		79761
GRF 600533	Child, Family, and	\$ 13,500,000	\$ 13,500,000		79762
	Community Protection				
	Services				
GRF 600534	Adult Protective	\$ 4,230,000	\$ 4,230,000		79763
	Services				
GRF 600535	Early Care and	\$ 141,285,241	\$ 141,285,241		79764
	Education				
GRF 600541	Kinship Permanency	\$ 1,000,000	\$ 1,000,000		79765
	Incentive Program				
GRF 600546	Healthy Food Financing	\$ 150,000	\$ 150,000		79766

	Initiative				
GRF 600551	Job and Family Services \$	105,000	\$	105,000	79767
	Program Support				
GRF 600552	Gracehaven Pilot \$	259,685	\$	259,685	79768
	Program				
GRF 600553	Court Appointed Special \$	1,000,000	\$	1,000,000	79769
	Advocates				
GRF 600554	Indigent Burial and \$	1,000,000	\$	1,000,000	79770
	Cremation Support				
GRF 600555	Quality Infrastructure \$	10,000,000	\$	0	79771
	Grants				
GRF 655425	Medicaid Program \$	13,412,603	\$	13,520,788	79772
	Support				
GRF 655522	Medicaid Program \$	37,119,931	\$	37,119,931	79773
	Support - Local				
GRF 655523	Medicaid Program \$	38,750,000	\$	38,750,000	79774
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund \$	912,880,385	\$	903,616,562	79775
	Dedicated Purpose Fund Group				79776
1980 600647	Children's Trust Fund \$	7,992,060	\$	6,000,000	79777
4A80 600658	Public Assistance \$	32,000,000	\$	32,000,000	79778
	Activities				
4A90 600607	Unemployment \$	13,900,000	\$	12,900,000	79779
	Compensation				
	Administration Fund				
4E70 600604	Family and Children \$	650,000	\$	650,000	79780
	Services Collections				
4F10 600609	Family and Children \$	708,000	\$	708,000	79781
	Activities				
5DM0 600633	Audit Settlements and \$	1,000,000	\$	1,000,000	79782
	Contingency				
5ES0 600630	Food Bank Assistance \$	500,000	\$	500,000	79783

5HC0	600695	Unemployment Compensation Interest	\$	1,000,000	\$	0	79784
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	79785
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	79786
5RX0	600699	Workforce Development Projects	\$	300,000	\$	300,000	79787
5RY0	600698	Human Services Project	\$	14,887,449	\$	15,000,000	79788
5TZ0	600674	Children's Crisis Care	\$	750,000	\$	750,000	79789
5U60	600663	Family and Children Support	\$	5,000,000	\$	5,000,000	79790
5VJ0	600600	Ohio Governor's Imagination Library	\$	5,000,000	\$	0	79791
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,787,509	\$	94,908,000	79792
		Internal Service Activity Fund Group					79793
5HL0	600602	State and County Shared Services	\$	1,500,000	\$	1,500,000	79794
TOTAL ISA		Internal Service Activity Fund Group	\$	1,500,000	\$	1,500,000	79795
		Fiduciary Fund Group					79796
1920	600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000	79797
5830	600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000	79798
5B60	600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000	79799
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	79800
		Holding Account Fund Group					79801

R012	600643	Refunds and Audit	\$	500,000	\$	500,000	79802
		Settlements					
TOTAL	HLD	Holding Account Fund	\$	500,000	\$	500,000	79803
		Group					
		Federal Fund Group					79804
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	79805
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	79806
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	79807
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	79808
3840	600610	Food Assistance	\$	165,544,356	\$	165,544,356	79809
		Programs					
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	79810
3950	600616	Federal Discretionary	\$	1,500,000	\$	1,500,000	79811
		Grants					
3960	600620	Social Services Block	\$	42,000,000	\$	42,000,000	79812
		Grant					
3970	600626	Child Support -	\$	197,479,829	\$	198,000,000	79813
		Federal					
3980	600627	Adoption Program -	\$	175,000,000	\$	175,000,000	79814
		Federal					
3A20	600641	Emergency Food	\$	7,000,000	\$	7,000,000	79815
		Distribution					
3D30	600648	Children's Trust Fund	\$	2,000,000	\$	2,000,000	79816
		Federal					
3F01	655624	Medicaid Program	\$	179,231,495	\$	179,500,000	79817
		Support - Federal					
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	79818
3N00	600628	Foster Care Program -	\$	280,732,702	\$	281,000,000	79819
		Federal					
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	79820
3V00	600688	Workforce Innovation	\$	142,092,211	\$	142,450,000	79821
		and Opportunity Act					
		Programs					

3V40 600632	Trade Programs	\$ 19,755,884	\$ 20,000,000	79822
3V40 600678	Federal Unemployment Programs	\$ 73,436,024	\$ 73,436,024	79823
3V40 600679	Unemployment Compensation Review Commission - Federal	\$ 4,800,000	\$ 4,800,000	79824
3V60 600689	TANF Block Grant	\$ 873,602,794	\$ 935,000,000	79825
TOTAL FED	Federal Fund Group	\$ 2,573,821,896	\$ 2,637,744,430	79826
TOTAL ALL BUDGET FUND GROUPS		\$ 3,709,489,790	\$ 3,755,268,992	79827

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 79829

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 79830
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79832
79833

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 79834
79835
79836
79837

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 79838
79839
79840
79841
79842

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 79843
79844

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 79845
79846
79847

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 79848
79849

(Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, including funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2020 and fiscal year 2021, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$24,550,000 in each fiscal year.

Eligible nonfederal expenditures made by member food banks of

the Association shall be counted by the Department of Job and 79880
Family Services toward the TANF maintenance of effort requirements 79881
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 79882
shall enter into an agreement with the Ohio Association of Food 79883
Banks, in accordance with sections 5101.80 and 5101.801 of the 79884
Revised Code, to carry out the requirements under this section. 79885

Section 307.43. UNAFFILIATED FOOD BANKS 79886

Of the foregoing appropriation item 600689, TANF Block Grant, 79887
\$500,000 in each fiscal year shall be provided, in accordance with 79888
sections 5101.80 and 5101.801 of the Revised Code, to food banks 79889
or food pantries unaffiliated with the Ohio Association of Food 79890
Banks. 79891

Section 307.45. FOOD STAMPS TRANSFER 79892

On July 1, 2019, or as soon as possible thereafter, and upon 79893
request of the Director of Job and Family Services, the Director 79894
of Budget and Management may transfer up to \$1,000,000 cash from 79895
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 79896
the Food Assistance Fund (Fund 5ES0). 79897

Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 79898

The foregoing appropriation item 600658, Public Assistance 79899
Activities, shall be used by the Department of Job and Family 79900
Services to meet the TANF maintenance of effort requirements of 42 79901
U.S.C. 609(a)(7). When the state is assured that it will meet the 79902
maintenance of effort requirement, the Department of Job and 79903
Family Services may use funds from appropriation item 600658, 79904
Public Assistance Activities, to support public assistance 79905
activities. 79906

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND 79907

COMMUNITY INITIATIVES 79908

Of the foregoing appropriation item 600689, TANF Block Grant, 79909
up to \$13,285,000 in each fiscal year shall be used, in accordance 79910
with sections 5101.80 and 5101.801 of the Revised Code, to provide 79911
support to programs or organizations that provide services that 79912
align with the mission and goals of the Governor's Office of 79913
Faith-Based and Community Initiatives, as outlined in section 79914
107.12 of the Revised Code, and that further at least one of the 79915
four purposes of the TANF program, as specified in 42 U.S.C. 601. 79916

Of the amount earmarked for the Governor's Office of 79917
Faith-Based and Community Initiatives, \$250,000 in each fiscal 79918
year shall be provided to Think Tank, Inc. to support a project 79919
that provides a sustainable, scalable system to support and keep 79920
families together. 79921

Section 307.80. INDEPENDENT LIVING INITIATIVE 79922

Of the foregoing appropriation item 600689, TANF Block Grant, 79923
up to \$2,000,000 in each fiscal year shall be used, in accordance 79924
with sections 5101.80 and 5101.801 of the Revised Code, to support 79925
the Independent Living Initiative, including life skills training 79926
and work supports for older children in foster care and those who 79927
have recently aged out of foster care. 79928

Section 307.81. LEAD-SAFE HOME FUND PILOT PROGRAM 79929

Of the foregoing appropriation item 600689, TANF Block Grant, 79930
\$1,000,000 in each fiscal year shall be used, in accordance with 79931
sections 5101.80 and 5101.801 of the Revised Code, to make 79932
distributions on a quarterly basis to the Lead Safe Cleveland 79933
Coalition for the Lead-Safe Home Fund Pilot Program, in accordance 79934
with Section 751.40 of this act. Before any funds are distributed, 79935
the Coalition shall provide the Department of Job and Family 79936

Services with documentation showing the amount of private sector 79937
dollars the Coalition has collected. The amount of each 79938
distribution provided by the Department shall be equal to the 79939
amount documented, but shall not exceed \$1,000,000 in total in 79940
each fiscal year. 79941

Section 307.90. OHIO COMMISSION ON FATHERHOOD 79942

Of the foregoing appropriation item 600689, TANF Block Grant, 79943
\$2,200,000 in each fiscal year shall be provided to the Ohio 79944
Commission on Fatherhood. 79945

Section 307.91. FAMILY STABILITY PROGRAMS 79946

Of the foregoing appropriation item 600689, TANF Block Grant, 79947
up to \$1,000,000 in each fiscal year shall be provided, in 79948
accordance with sections 5101.80 and 5101.801 of the Revised Code, 79949
to the Siemer Institute to support Family Stability Programs in 79950
collaboration with United Way affiliates on a quarterly basis. The 79951
funds shall be used to help provide services and early 79952
intervention focused on improving family housing stability, 79953
increasing household income, reducing school mobility, and 79954
supporting two-generation programming to stabilize family units. 79955

Before any funds are distributed, the Siemer Institute or 79956
affiliates shall provide the Department of Job and Family Services 79957
with documentation showing the amount of private sector dollars 79958
that have been collected to support the Family Stability Programs. 79959
The amount of each distribution provided by the Department to the 79960
Siemer Institute shall be equal to the amount documented, but 79961
shall not exceed \$1,000,000 in total in each fiscal year. 79962

Section 307.92. CHILDREN'S TRUST FUND 79963

Of the foregoing appropriation item 600689, TANF Block Grant, 79964
\$1,000,000 in each fiscal year shall be provided, in accordance 79965

with sections 5101.80 and 5101.801 of the Revised Code, to the 79966
Ohio Children's Trust Fund. 79967

Section 307.94. OHIO COUNCIL OF YWCAS 79968

Of the foregoing appropriation item 600689, TANF Block Grant, 79969
\$500,000 in each fiscal year shall be provided, in accordance with 79970
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 79971
Council of YWCAs to support programs that prevent domestic 79972
violence, support victims of domestic violence, provide 79973
trauma-informed support for survivors, and support educational 79974
opportunities for at-risk youth. 79975

Section 307.95. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 79976

Of the foregoing appropriation item 600689, TANF Block Grant, 79977
\$2,000,000 in each fiscal year shall be provided, in accordance 79978
with sections 5101.80 and 5101.801 of the Revised Code, to the 79979
Ohio Alliance of Boys and Girls Clubs to provide after-school and 79980
summer programs that protect at-risk children and enable youth to 79981
become responsible adults. Not less than \$75,000 in each fiscal 79982
year shall be provided to the Boys and Girls Club of Massillon. 79983

Section 307.96. TANF WORK REQUIREMENTS DEMONSTRATION PROJECT 79984

As used in this section, "TANF work requirements" means the 79985
work requirements established under section 407 of the "Social 79986
Security Act," 42 U.S.C. 607, for the Temporary Assistance for 79987
Needy Families program. 79988

The Director of Job and Family Services shall seek approval 79989
from the U.S. Department of Health and Human Services to operate a 79990
demonstration project for a two-year period that enables all of 79991
the following: 79992

(A) An Ohio Works First participant to satisfy the TANF work 79993
requirements by satisfactorily participating in any of the 79994

following for up to twenty-four months:	79995
(1) On-the-job training;	79996
(2) Education directly related to employment if the participant has not received a high school diploma or a certificate of high school equivalency;	79997 79998 79999
(3) A course of study leading to a certificate of general equivalence if the participant has not completed secondary school or received such a certificate.	80000 80001 80002
(B) An Ohio Works First participant not to be subject to a penalty under section 407(e) of the "Social Security Act," 42 U.S.C. 607(e), due to the participant's satisfaction of the TANF work requirements pursuant to division (A) of this section;	80003 80004 80005 80006
(C) The state to count an Ohio Works First participant's satisfaction of the TANF work requirements pursuant to division (A) of this section toward the state's work participation rates under the TANF work requirements regardless of whether the participant also participates in other work activities specified in section 407(d) of the "Social Security Act," 42 U.S.C. 607(d).	80007 80008 80009 80010 80011 80012
Section 307.98. WATERFORD INSTITUTE PILOT PROGRAM	80013
Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Waterford Institute to implement a pilot program for pre-kindergarten children.	80014 80015 80016 80017 80018
Section 307.99. OHIO PARENTING AND PREGNANCY PROGRAM	80019
Of the foregoing appropriation item 600689, TANF Block Grant, \$2,500,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.	80020 80021 80022 80023

MOMS2B 80024

Of the foregoing appropriation item 600689, TANF Block Grant, 80025
\$50,000 in each fiscal year shall be used, in accordance with 80026
sections 5101.80 and 5101.801 of the Revised Code, to support the 80027
Moms2B program in Franklin County. 80028

Section 307.100. KINSHIP CAREGIVER PROGRAM 80029

Of the foregoing appropriation item 600689, TANF Block Grant, 80030
\$15,000,000 in each fiscal year shall be used to support kinship 80031
care. The Director of Job and Family Services shall allocate funds 80032
to county departments of job and family services by providing 80033
twelve per cent divided equally among all counties, forty-eight 80034
per cent in the ratio that the number of residents of the county 80035
under the age of eighteen bears to the total number of such 80036
persons residing in this state, and forty per cent in the ratio 80037
that the number of residents of the county with incomes under one 80038
hundred per cent of the federal poverty guideline bears to the 80039
total number of such persons in this state. Each public children 80040
services agency shall use these funds to provide reasonable and 80041
necessary relief of child caring functions so that kinship 80042
caregivers, as defined in section 5101.85 of the Revised Code, can 80043
provide and maintain a home for a child in place of a child's 80044
parents. When the public children services agency is designated 80045
under division (A) of section 5153.02 of the Revised Code, the 80046
county department of job and family services shall enter into a 80047
memorandum of understanding with the public children services 80048
agency authorizing the public children services agency to expend 80049
funds for this purpose up to the amount of the allocation. 80050

Each county department of job and family services shall 80051
incorporate the kinship caregiver support program into its 80052
prevention, retention, and contingency plan. For the purpose of 80053
this service, each child living with a kinship caregiver shall 80054

constitute a prevention, retention, and contingency assistance 80055
group of one. To qualify, the child must be eighteen years of age 80056
or younger. 80057

The Department of Job and Family Services may adopt rules in 80058
accordance with Chapter 119. of the Revised Code as necessary to 80059
carry out the purposes of this section. 80060

If funding is no longer available, the kinship caregiver 80061
support program in this section shall end and any county 80062
department of job and family services or public children services 80063
agency shall not be held responsible for payment of services. 80064

Section 307.101. MARRIAGE WORKS 80065

Of the foregoing appropriation item 600689, TANF Block Grant, 80066
\$200,000 in each fiscal year shall be provided, in accordance with 80067
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 80068
Works! Ohio in Dayton. 80069

Section 307.102. STAR HOUSE DROP-IN CENTER 80070

Of the foregoing appropriation item 600689, TANF Block Grant, 80071
\$900,000 in each fiscal year shall be used, in accordance with 80072
sections 5101.80 and 5101.801 of the Revised Code, to support the 80073
Star House Drop-In Center to provide services for homeless youth. 80074

Section 307.103. YMCA OF GREATER CLEVELAND 80075

Of the foregoing appropriation item 600689, TANF Block Grant, 80076
\$200,000 in each fiscal year shall be used, in accordance with 80077
sections 5101.80 and 5101.801 of the Revised Code, to support the 80078
YMCA of Greater Cleveland's Early Learning Center trauma informed 80079
pre-school for homeless, low income, and at-risk pre-school 80080
children. 80081

Section 307.104. UNIVERSITY SETTLEMENT 80082

Of the foregoing appropriation item 600689, TANF Block Grant, 80083
\$100,000 in each fiscal year shall be used, in accordance with 80084
sections 5101.80 and 5101.801 of the Revised Code, to support 80085
University Settlement family assistance programs in the 80086
Broadway-Slavic Village neighborhood of Cleveland. 80087

Section 307.105. BIG BROTHERS BIG SISTERS 80088

Of the foregoing appropriation item 600689, TANF Block Grant, 80089
\$1,000,000 in each fiscal year shall be provided, in accordance 80090
with sections 5101.80 and 5101.801 of the Revised Code, to Big 80091
Brothers Big Sisters of Central Ohio to provide mentoring services 80092
to children throughout the state who have experienced trauma in 80093
their lives, including parental incarceration. 80094

Section 307.106. COMMUNITIES IN SCHOOLS OF CENTRAL OHIO 80095

Of the foregoing appropriation item 600689, TANF Block Grant, 80096
\$200,000 in each fiscal year shall be provided, in accordance with 80097
sections 5101.80 and 5101.801 of the Revised Code, to Communities 80098
In Schools of Central Ohio to provide supports for at-risk youth 80099
for wraparound services, which directly impact chronic absenteeism 80100
and dropout rates. 80101

CONNECT OUR KIDS 80102

Of the foregoing appropriation item 600689, TANF Block Grant, 80103
\$1,000,000 in fiscal year 2020 shall be used, in accordance with 80104
sections 5101.80 and 5101.801 of the Revised Code, to support the 80105
completion of the Connect Our Kids Family Connections technology 80106
tool and to implement a pilot program for the tool across multiple 80107
Ohio counties. The Family Connection technology tool shall be made 80108
available to child welfare professionals in all counties after 80109
completion of the pilot program. 80110

Section 307.107. OPEN DOORS ACADEMY 80111

Of the foregoing appropriation item 600689, TANF Block Grant, 80112
\$2,200,000 in each fiscal year shall be used, in accordance with 80113
sections 5101.80 and 5101.801 of the Revised Code, to support the 80114
Seven Year Promise Program, operated by the Open Doors Academy. 80115
Funding shall be used for a program in Northeast Ohio and four 80116
additional sites in the state. 80117

Section 307.108. PRODUCE PERKS MIDWEST 80118

Of the foregoing appropriation item 600689, TANF Block Grant, 80119
\$250,000 in each fiscal year shall be provided, in accordance with 80120
sections 5101.80 and 5101.801 of the Revised Code, to Produce 80121
Perks Midwest, Inc., to expand Ohio's nutrition incentive program, 80122
which provides SNAP recipients with a dollar-for-dollar match to 80123
buy fresh, healthy produce from Ohio farmers and retailers. 80124

Section 307.109. CHILDREN'S HUNGER ALLIANCE 80125

Of the foregoing appropriation item 600689, TANF Block Grant, 80126
\$1,175,000 in each fiscal year shall be provided, in accordance 80127
with sections 5101.80 and 5101.801 of the Revised Code, to the 80128
Children's Hunger Alliance to assist with meal sponsorship, early 80129
child care programs, child care, consultations and nutrition 80130
education, school district nutrition programs, after school 80131
nutrition programs, and summer nutrition programs. 80132

Section 307.110. FAMILY AND CHILDREN SERVICES 80133

Of the foregoing appropriation item 600523, Family and 80134
Children Services, up to \$3,200,000 shall be used to match 80135
eligible federal Title IV-B ESSA funds and federal Title IV-E 80136
Chafee funds allocated to public children services agencies. 80137

Of the foregoing appropriation item 600523, Family and 80138
Children Services, up to \$25,000,000 in each fiscal year shall be 80139
provided to assist with the expense of providing services to youth 80140

requiring support from multiple systems. These funds may be used 80141
for youth currently in the custody of a public children services 80142
agency or to prevent children from entering into the custody of a 80143
public children services agency by custody relinquishment or 80144
another mechanism. The Director of Job and Family Services shall 80145
adopt rules in accordance with section 111.15 of the Revised Code 80146
to administer the funding. 80147

Of the foregoing appropriation item, 600523, Family and 80148
Children Services, not less than \$125,040,010 in each fiscal year 80149
shall be provided to public children services agencies. Of that 80150
amount, \$17,600,000 in each fiscal year shall be used to provide 80151
an initial allocation of \$200,000 to each county; up to \$5,000,000 80152
in each fiscal year shall be provided using the formula in section 80153
5101.14 of the Revised Code for staffing for foster parent 80154
recruitment, engagement, and support; up to \$10,000,000 in each 80155
fiscal year shall be provided using the formula in section 5101.14 80156
of the Revised Code to strengthen best practices identified in 80157
partnership with the Department of Job and Family Services; and 80158
the remainder shall be provided using the formula in section 80159
5101.14 of the Revised Code. 80160

If the funds available for distribution under section 5101.14 80161
of the Revised Code in fiscal year 2020 and fiscal year 2021 80162
exceed the amount appropriated in fiscal year 2019, each county 80163
contributing local funds in county fiscal year 2019 to the county 80164
children services fund shall contribute moneys to the children 80165
services fund described in section 5101.144 of the Revised Code. 80166

The Director of Job and Family Services shall adopt rules, in 80167
accordance with section 111.15 of the Revised Code, to determine 80168
the amount of local funds each county must contribute to the 80169
children services fund based on past contributions. Rules must 80170
include a hardship provision identifying circumstances in which 80171
the county contribution may be waived or reduced. 80172

Section 307.111. CLEVELAND STATE UNIVERSITY 80173

Of the foregoing appropriation item 600523, Family and 80174
Children Services, \$290,000 in fiscal year 2021 shall be allocated 80175
to the Cleveland State University Sullivan-Deckard and Helen 80176
Packer Scholars Program to provide tuition and wrap-around 80177
services to young adults who have aged out of foster care. 80178

Section 307.115. KINSHIP CARE NAVIGATOR PROGRAM 80179

Of the foregoing appropriation item 600523, Family and 80180
Children Services, \$3,500,000 in each fiscal year shall be used to 80181
support the Kinship Care Navigator Program, and may be used to 80182
match eligible federal Title IV-E funds. 80183

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 80184

In collaboration with the county family and children first 80185
council, a county department of job and family services or public 80186
children services agency that receives an allocation from the 80187
Department of Job and Family Services from the foregoing 80188
appropriation item 600523, Family and Children Services, or 80189
600533, Child, Family, and Community Protection Services, may 80190
transfer a portion of either or both allocations to a flexible 80191
funding pool as authorized by the section of this act titled 80192
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 80193

Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 80194
SERVICES 80195

(A) The foregoing appropriation item 600533, Child, Family, 80196
and Community Protection Services, shall be distributed to county 80197
departments of job and family services. County departments shall 80198
use the funds distributed to them under this section as follows, 80199
in accordance with the written plan of cooperation entered into 80200

under section 307.983 of the Revised Code: 80201

(1) To assist individuals in achieving or maintaining 80202
self-sufficiency, including by reducing or preventing dependency 80203
among individuals with family income not exceeding two hundred per 80204
cent of the federal poverty guidelines; 80205

(2) Subject to division (B) of this section, to respond to 80206
reports of abuse, neglect, or exploitation of children and adults, 80207
including through the differential response approach program; 80208

(3) To provide outreach and referral services regarding home 80209
and community-based services to individuals at risk of placement 80210
in a group home or institution, regardless of the individuals' 80211
family income and without need for a written application; 80212

(4) To provide outreach, referral, application assistance, 80213
and other services to assist individuals receive assistance, 80214
benefits, or services under Medicaid; Title IV-A programs, as 80215
defined in section 5101.80 of the Revised Code; the Supplemental 80216
Nutrition Assistance Program; and other public assistance 80217
programs. 80218

(B) Protective services may be provided to a child or adult 80219
as part of a response, under division (A)(2) of this section, to a 80220
report of abuse, neglect, or exploitation without regard to a 80221
child or adult's family income and without need for a written 80222
application. The protective services may be provided if the case 80223
record documents circumstances of actual or potential abuse, 80224
neglect, or exploitation. 80225

Section 307.132. QUALITY INFRASTRUCTURE GRANTS 80226

The foregoing appropriation item 600555, Quality 80227
Infrastructure Grants, shall be used by the Director of Job and 80228
Family Services to administer an early learning and development 80229
quality infrastructure grant program. 80230

The Director shall review grant applications in collaboration with council members appointed by the chairperson of the Early Childhood Advisory Council. The council members appointed shall include representatives of government and private entities. In reviewing applications and awarding grants, the Director and council members shall consider the needs of applicants and the ability of the communities in which applicants are located to satisfy division (G) of section 5104.29 of the Revised Code. Grants may be used to support quality workforce supports, including, but not limited to, wage incentives and assistance with certification and degree attainment; professional development and technical assistance; facilities improvement and classroom supplies; and curriculum and assessment.

Section 307.133. ADULT PROTECTIVE SERVICES 80244

The foregoing appropriation item 600534, Adult Protective Services, shall be divided equally among the counties.

Section 307.135. HEALTHY FOOD FINANCING INITIATIVE 80247

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the United States Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative, or an alternative methodology approved by the Director of Job and Family Services.

The Director of Job and Family Services, in cooperation with the Director of Health, shall contract with the Finance Fund Capital Corporation to administer a Healthy Food Financing

Initiative. The Finance Fund Capital Corporation shall demonstrate 80261
a capacity to administer grant and loan programs in accordance 80262
with state and federal rules and accounting principles, and shall 80263
partner with one or more entities with demonstrable experience in 80264
healthy food access-related policy matters. 80265

The Finance Fund Capital Corporation shall report to the Ohio 80266
Department of Job and Family Services the amount of funds granted 80267
or loaned, the number of new or retained jobs associated with 80268
related projects, the health impact of the initiative, and the 80269
number and location of healthy food access projects established or 80270
in development. 80271

Section 307.137. INDIGENT BURIAL AND CREMATION SUPPORT 80272

The foregoing appropriation item 600554, Indigent Burial and 80273
Cremation Support, shall be used to reimburse local government 80274
entities for the cost of providing burials or cremations to 80275
indigent deceased persons. Reimbursements shall not exceed one 80276
thousand dollars for an adult or seven hundred fifty dollars for a 80277
child. 80278

The Department of Job and Family Services may adopt rules in 80279
accordance with Chapter 119. of the Revised Code as necessary to 80280
carry out the purposes of this section. 80281

Section 307.138. JOB AND FAMILY SERVICES PROGRAM SUPPORT 80282

Of the foregoing appropriation item 600551, Job and Family 80283
Services Program Support, \$75,000 in each fiscal year shall be 80284
provided to the Mayerson Jewish Community Center to support summer 80285
camps, senior citizen socialization for Alzheimer's patients, and 80286
security services. 80287

Of the foregoing appropriation item 600551, Job and Family 80288
Services Program Support, \$30,000 in each fiscal year shall be 80289
used to support Jewish Family Services, which shall use the funds 80290

to provide aging and caregiver services, post-adoption counseling, 80291
domestic abuse counseling, and assistance with food pantry 80292
expansion. 80293

Section 307.139. GRACEHAVEN PILOT PROGRAM 80294

The foregoing appropriation item 600552, Gracehaven Pilot 80295
Program, shall be used to finance the creation of Gracehaven 80296
centers to provide community-based services to women under 80297
eighteen years of age that have been victims of human trafficking. 80298

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 80299

The foregoing appropriation item 600609, Family and Children 80300
Activities, shall be used to expend miscellaneous foundation funds 80301
and grants to support family and children services activities. 80302

Section 307.141. COURT APPOINTED SPECIAL ADVOCATES 80303

Of the foregoing appropriation item 600553, Court Appointed 80304
Special Advocates, \$333,333 in each fiscal year shall be used to 80305
support administrative costs associated with existing 80306
court-appointed special advocate programs. 80307

Of the foregoing appropriation item 600553, Court Appointed 80308
Special Advocates, \$666,667 in each fiscal year shall be used to 80309
establish court-appointed special advocate programs in areas of 80310
the state that are not served by an existing program. 80311

Section 307.145. OHIO GOVERNOR'S IMAGINATION LIBRARY 80312

The foregoing appropriation item 600600, Ohio Governor's 80313
Imagination Library, shall be used to support childhood literacy 80314
efforts in the state. The Director of Job and Family Services may 80315
work with nonprofit entities or foundations established to support 80316
childhood literacy efforts in this state. 80317

On July 1, 2020, or as soon as possible thereafter, the 80318
Director of Job and Family Services may certify to the Director of 80319
Budget and Management an amount up to the unexpended, unencumbered 80320
balance of the foregoing appropriation item 600600, Ohio 80321
Governor's Imagination Library, at the end of fiscal year 2020 to 80322
be reappropriated in fiscal year 2021. The amount certified is 80323
hereby reappropriated to the same appropriation item for fiscal 80324
year 2021. 80325

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 80326

Notwithstanding section 5101.073 of the Revised Code, the 80327
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 80328
consist of earned federal revenue the final disposition of which 80329
is unknown. 80330

On July 1 of each fiscal year, or as soon as possible 80331
thereafter, and upon request of the Director of Job and Family 80332
Services, the Director of Budget and Management may transfer up to 80333
\$16,000,000 cash from the ODJFS Audit Settlements and Contingency 80334
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 80335

Section 307.160. ADOPTION ASSISTANCE LOAN 80336

The Department of Job and Family Services may use the State 80337
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 80338
of adoption assistance loans pursuant to section 3107.018 of the 80339
Revised Code. The amounts of any adoption assistance loans are 80340
hereby appropriated. 80341

Section 307.170. EARLY CHILDHOOD EDUCATION 80342

Of the foregoing appropriation item 600696, Early Childhood 80343
Education, up to \$20,000,000 in each fiscal year shall be used to 80344
achieve the goals described in division (C) of section 5104.29 of 80345
the Revised Code. The funds shall be used to support early 80346

learning and development programs operating in smaller 80347
communities, early learning and development programs that are 80348
rated in the Step Up to Quality program at the third highest tier 80349
or higher, or both. 80350

Section 307.175. PUBLICLY FUNDED CHILD CARE PROVIDER RATES 80351

The Director of Job and Family Services shall do all of the 80352
following to the rate categories assigned to child care programs 80353
rated in the Step Up to Quality program for the purpose of 80354
reimbursing providers for subsidized child care: 80355

(A) Ensure that reimbursement rates for each rating tier are 80356
not lower than the reimbursement rates for each corresponding 80357
rating tier that were in effect on January 1, 2019; and 80358

(B) Ensure that no county moves to a rating tier with a lower 80359
reimbursement rate than the one in effect for the county on 80360
January 1, 2019. 80361

Section 307.190. VICTIMS OF HUMAN TRAFFICKING 80362

The foregoing appropriation item 600660, Victims of Human 80363
Trafficking, shall be used to provide treatment, care, 80364
rehabilitation, education, housing, and assistance for victims of 80365
trafficking in persons as specified in section 5101.87 of the 80366
Revised Code. 80367

If receipts credited to the Victims of Human Trafficking Fund 80368
(Fund 5NG0) exceed the amounts appropriated to the fund, the 80369
Director of Job and Family Services may request the Director of 80370
Budget and Management to authorize expenditures from the fund in 80371
excess of the amounts appropriated. Upon the approval of the 80372
Director of Budget and Management, the additional amounts are 80373
hereby appropriated. 80374

Section 307.195. CHILDREN'S CRISIS CARE 80375

The foregoing appropriation item 600674, Children's Crisis Care, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	80408
General Revenue Fund	80409
GRF 029321 Operating Expenses \$ 570,000 \$ 570,000	80410
TOTAL GRF General Revenue Fund \$ 570,000 \$ 570,000	80411
TOTAL ALL BUDGET FUND GROUPS \$ 570,000 \$ 570,000	80412
OPERATING GUIDANCE	80413
The Legislative Service Commission shall act as fiscal agent	80414
for the Joint Committee on Agency Rule Review. Members of the	80415
Committee shall be paid in accordance with section 101.35 of the	80416
Revised Code.	80417
OPERATING EXPENSES	80418
On July 1, 2019, or as soon as possible thereafter, the	80419
Executive Director of the Joint Committee on Agency Rule Review	80420
may certify to the Director of Budget and Management an amount up	80421
to the unexpended, unencumbered balance of the foregoing	80422
appropriation item 029321, Operating Expenses, at the end of	80423
fiscal year 2019 to be reappropriated to fiscal year 2020. The	80424
amount certified is hereby reappropriated to the same	80425
appropriation item for fiscal year 2020.	80426
On July 1, 2020, or as soon as possible thereafter, the	80427
Executive Director of the Joint Committee on Agency Rule Review	80428
may certify to the Director of Budget and Management an amount up	80429
to the unexpended, unencumbered balance of the foregoing	80430
appropriation item 029321, Operating Expenses, at the end of	80431
fiscal year 2020 to be reappropriated to fiscal year 2021. The	80432
amount certified is hereby reappropriated to the same	80433
appropriation item for fiscal year 2021.	80434
Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE	80435
General Revenue Fund	80436

GRF 047321 Operating Expenses	\$	100,000	\$	0	80437
TOTAL GRF General Revenue Fund	\$	100,000	\$	0	80438
TOTAL ALL BUDGET FUND GROUPS	\$	100,000	\$	0	80439

OPERATING EXPENSES 80440

The foregoing appropriation item 047321, Operating Expenses, 80441
shall be used to support expenses related to the Joint Education 80442
Oversight Committee under section 103.45 to 103.50 of the Revised 80443
Code, as it existed prior to the effective date of this act. 80444

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 80445

General Revenue Fund 80446

GRF 048321 Operating Expenses	\$	361,365	\$	528,681	80447
TOTAL GRF General Revenue Fund	\$	361,365	\$	528,681	80448
TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	80449

OPERATING EXPENSES 80450

The foregoing appropriation item 048321, Operating Expenses, 80451
shall be used to support expenses related to the Joint Medicaid 80452
Oversight Committee created by section 103.41 of the Revised Code. 80453

On July 1, 2019, or as soon as possible thereafter, the 80454
Executive Director of the Joint Medicaid Oversight Committee may 80455
certify to the Director of Budget and Management an amount up to 80456
the unexpended, unencumbered balance of the foregoing 80457
appropriation item 048321, Operating Expenses, at the end of 80458
fiscal year 2019 to be reappropriated to fiscal year 2020. The 80459
amount certified is hereby reappropriated to the same 80460
appropriation item for fiscal year 2020. 80461

On July 1, 2020, or as soon as possible thereafter, the 80462
Executive Director of the Joint Medicaid Oversight Committee may 80463
certify to the Director of Budget and Management an amount up to 80464
the unexpended, unencumbered balance of the foregoing 80465
appropriation item 048321, Operating Expenses, at the end of 80466

fiscal year 2020 to be reappropriated to fiscal year 2021. The 80467
amount certified is hereby reappropriated to the same 80468
appropriation item for fiscal year 2021. 80469

The Legislative Service Commission shall act as fiscal agent 80470
for the Joint Medicaid Oversight Committee. 80471

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 80472

General Revenue Fund 80473

GRF 018321 Operating Expenses \$ 963,500 \$ 911,305 80474

TOTAL GRF General Revenue Fund \$ 963,500 \$ 911,305 80475

Dedicated Purpose Fund Group 80476

4030 018601 Ohio Jury \$ 480,850 \$ 480,000 80477

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 480,850 \$ 480,000 80478

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,444,350 \$ 1,391,305 80479

STATE COUNCIL OF UNIFORM STATE LAWS 80480

Notwithstanding section 105.26 of the Revised Code, of the 80481
foregoing appropriation item 018321, Operating Expenses, up to 80482
\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021 80483
shall be used to pay the expenses of the State Council of Uniform 80484
State Laws, including membership dues to the National Conference 80485
of Commissioners on Uniform State Laws. 80486

OHIO JURY INSTRUCTIONS FUND 80487

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 80488
grants, royalties, dues, conference fees, bequests, devises, and 80489
other gifts received for the purpose of supporting costs incurred 80490
by the Judicial Conference of Ohio in its activities as a part of 80491
the judicial system of the state as determined by the Judicial 80492
Conference Executive Committee. Fund 4030 shall be used by the 80493
Judicial Conference of Ohio to pay expenses incurred in its 80494

activities as a part of the judicial system of the state as 80495
determined by the Judicial Conference Executive Committee. All 80496
moneys accruing to Fund 4030 in excess of the amount appropriated 80497
for the current fiscal year are hereby appropriated for the 80498
purposes authorized. No money in Fund 4030 shall be transferred to 80499
any other fund by the Director of Budget and Management or the 80500
Controlling Board. 80501

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 80502

General Revenue Fund 80503

GRF 005321 Operating Expenses - \$ 181,708,720 \$ 185,018,785 80504
Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 599,970 \$ 614,970 80505
Sentencing Council

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 80506

GRF 005409 Ohio Courts \$ 5,391,025 \$ 5,435,625 80507
Technology Initiative

TOTAL GRF General Revenue Fund \$ 187,899,715 \$ 191,269,380 80508

Dedicated Purpose Fund Group 80509

4C80 005605 Attorney Services \$ 10,805,858 \$ 10,553,340 80510

5HT0 005617 Court Interpreter \$ 12,459 \$ 14,327 80511
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 80512
Program

5T80 005609 Grants and Awards \$ 8,224 \$ 8,224 80513

6720 005601 Judiciary/Supreme \$ 151,000 \$ 151,000 80514
Court Education

TOTAL DPF Dedicated Purpose Fund \$ 11,327,541 \$ 11,076,891 80515

Group

Fiduciary Fund Group 80516

5JY0 005620 County Law Library \$ 303,500 \$ 313,500 80517

Resources Boards

TOTAL FID Fiduciary Fund Group	\$	303,500	\$	313,500	80518
Federal Fund Group					80519
3J00 005603 Federal Grants	\$	1,118,471	\$	1,073,190	80520
TOTAL FED Federal Fund Group	\$	1,118,471	\$	1,073,190	80521
TOTAL ALL BUDGET FUND GROUPS	\$	200,649,227	\$	203,732,961	80522

Section 317.20. STATE CRIMINAL SENTENCING COUNCIL 80524

The foregoing appropriation item 005401, State Criminal Sentencing Council, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 80525
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LAW-RELATED EDUCATION 80529

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 80530
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OHIO COURTS TECHNOLOGY INITIATIVE 80537

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for 80538
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the promulgation of statewide rules, policies, and uniform 80548
standards, and to aid in the orderly adoption and comprehensive 80549
use of technology in Ohio courts. 80550

ATTORNEY SERVICES 80551

The Attorney Registration Fund (Fund 4C80) shall consist of 80552
money received by the Supreme Court (The Judiciary) pursuant to 80553
the Rules for the Government of the Bar of Ohio. In addition to 80554
funding other activities considered appropriate by the Supreme 80555
Court, the foregoing appropriation item 005605, Attorney Services, 80556
may be used to compensate employees and to fund appropriate 80557
activities of the following offices established by the Supreme 80558
Court: the Office of Disciplinary Counsel, the Board of 80559
Commissioners on Grievances and Discipline, the Clients' Security 80560
Fund, and the Attorney Services Division which include the Office 80561
of Bar Admissions. If it is determined by the Administrative 80562
Director of the Supreme Court that changes to the appropriation 80563
are necessary, the amounts are hereby appropriated. 80564

No money in Fund 4C80 shall be transferred to any other fund 80565
by the Director of Budget and Management or the Controlling Board. 80566
Interest earned on money in Fund 4C80 shall be credited to the 80567
fund. 80568

COURT INTERPRETER CERTIFICATION 80569

The Court Interpreter Certification Fund (Fund 5HT0) shall 80570
consist of money received by the Supreme Court (The Judiciary) 80571
pursuant to Rules 80 through 87 of the Rules of Superintendence 80572
for the Courts of Ohio. The foregoing appropriation item 005617, 80573
Court Interpreter Certification, shall be used to provide 80574
training, to provide the written examination, and to pay language 80575
experts to rate, or grade, the oral examinations of those applying 80576
to become certified court interpreters. If it is determined by the 80577
Administrative Director of the Supreme Court that changes to the 80578

appropriation are necessary, the amounts are hereby appropriated. 80579

No money in Fund 5HT0 shall be transferred to any other fund 80580
by the Director of Budget and Management or the Controlling Board. 80581
Interest earned on money in Fund 5HT0 shall be credited to the 80582
fund. 80583

CIVIL JUSTICE GRANT PROGRAM 80584

The Civil Justice Program Fund (Fund 5SP0) shall consist of 80585
(1) \$50 voluntary donations made as part of the biennium attorney 80586
registration process and (2) \$150 increase in the *pro hac vice* 80587
fees for out-of-state attorneys pursuant to Government of the Bar 80588
Rule amendments. The foregoing appropriation item 005626, Civil 80589
Justice Grant Program, shall be used by the Supreme Court of Ohio 80590
for grants to not-for-profit organizations and agencies dedicated 80591
to providing civil legal aid to underserved populations, to fund 80592
innovative programs directed at this purpose, and to increase 80593
access to judicial service to that population. 80594

No money in Fund 5SP0 shall be transferred to any other fund 80595
by the Director of Budget and Management or the Controlling Board. 80596
Interest earned on money in Fund 5SP0 shall be credited to the 80597
fund. 80598

GRANTS AND AWARDS 80599

The Grants and Awards Fund (Fund 5T80) shall consist of 80600
grants and other money awarded to the Supreme Court (The 80601
Judiciary) by the State Justice Institute, the Division of 80602
Criminal Justice Services, or other entities. The foregoing 80603
appropriation item 005609, Grants and Awards, shall be used in a 80604
manner consistent with the purpose of the grant or award. If it is 80605
determined by the Administrative Director of the Supreme Court 80606
that changes to the appropriation are necessary, the amounts are 80607
hereby appropriated. 80608

No money in Fund 5T80 shall be transferred to any other fund 80609

by the Director of Budget and Management or the Controlling Board. 80610
Interest earned on money in Fund 5T80 shall be credited or 80611
transferred to the General Revenue Fund. 80612

JUDICIARY/SUPREME COURT EDUCATION 80613

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 80614
consist of fees paid for attending judicial and public education 80615
on the law, reimbursement of costs for judicial and public 80616
education on the law, and other gifts and grants received for the 80617
purpose of judicial and public education on the law. The foregoing 80618
appropriation item 005601, Judiciary/Supreme Court Education, 80619
shall be used to pay expenses for judicial education courses for 80620
judges, court personnel, and those who serve the courts, and for 80621
public education on the law. If it is determined by the 80622
Administrative Director of the Supreme Court that changes to the 80623
appropriation are necessary, the amounts are hereby appropriated. 80624

No money in Fund 6720 shall be transferred to any other fund 80625
by the Director of Budget and Management or the Controlling Board. 80626
Interest earned on money in Fund 6720 shall be credited to the 80627
fund. 80628

COUNTY LAW LIBRARY RESOURCES BOARDS 80629

The Statewide Consortium of County Law Library Resources 80630
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 80631
to section 307.515 of the Revised Code into a county's law library 80632
resources fund and forwarded by that county's treasurer for 80633
deposit in the state treasury pursuant to division (E)(1) of 80634
section 3375.481 of the Revised Code. The foregoing appropriation 80635
item 005620, County Law Library Resources Boards, shall be used 80636
for the operation of the Statewide Consortium of County Law 80637
Library Resources Boards. If it is determined by the 80638
Administrative Director of the Supreme Court that changes to the 80639
appropriation are necessary, the amounts are hereby appropriated. 80640

No money in Fund 5JY0 shall be transferred to any other fund 80641
by the Director of Budget and Management or the Controlling Board. 80642
Interest earned on money in Fund 5JY0 shall be credited to the 80643
fund. 80644

FEDERAL GRANTS 80645

The Federal Grants Fund (Fund 3J00) shall consist of grants 80646
and other moneys awarded to the Supreme Court (The Judiciary) by 80647
the United States Government or other entities that receive the 80648
moneys directly from the United States Government and distribute 80649
those moneys to the Supreme Court (The Judiciary). The foregoing 80650
appropriation item 005603, Federal Grants, shall be used in a 80651
manner consistent with the purpose of the grant or award. If it is 80652
determined by the Administrative Director of the Supreme Court 80653
that changes to the appropriation are necessary, the amounts are 80654
hereby appropriated. 80655

No money in Fund 3J00 shall be transferred to any other fund 80656
by the Director of Budget and Management or the Controlling Board. 80657
However, interest earned on money in Fund 3J00 shall be credited 80658
or transferred to the General Revenue Fund. 80659

Section 319.10. LEC LAKE ERIE COMMISSION 80660

Dedicated Purpose Fund Group 80661

4C00 780601 Lake Erie Protection	\$	694,000	\$	699,000	80662
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TOTAL DPF Dedicated Purpose					80663
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Fund Group	\$	694,000	\$	699,000	80664
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Federal Fund Group 80665

3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	80666
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TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	80667
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TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$	749,000	80668
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CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 80669

On July 1 of each fiscal year, or as soon as possible 80670

thereafter, the Director of Budget and Management, with the approval of the Controlling Board, may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	80676
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	80677
4700	General Operations	Department of Health	\$25,000	\$25,000	80678
1570	Central Support Indirect	Department of Natural Resources	\$25,000	\$25,000	80679

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management, with the approval of the Controlling Board, may transfer \$25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

On July 1, 2020, or as soon as possible thereafter, the Director of Budget and Management, with the approval of the Controlling Board, may transfer \$25,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 4C00.

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund					80691		
GRF	028321	Legislative Ethics Committee	\$	625,000	\$	625,000	80692
TOTAL GRF	General Revenue Fund		\$	625,000	\$	625,000	80693
Dedicated Purpose Fund Group					80694		

4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000	80696
5HN0 028602	Investigations and Financial Disclosure	\$	10,000	\$	10,000	80697
TOTAL DPF Dedicated Purpose Fund Group		\$	160,000	\$	160,000	80698
TOTAL ALL BUDGET FUND GROUPS		\$	785,000	\$	785,000	80699

LEGISLATIVE ETHICS COMMITTEE 80700

On July 1, 2019, or as soon as possible thereafter, the 80701
 Legislative Inspector General of the Joint Legislative Ethics 80702
 Committee may certify to the Director of Budget and Management an 80703
 amount up to the unexpended, unencumbered balance of the foregoing 80704
 appropriation item 028321, Legislative Ethics Committee, at the 80705
 end of fiscal year 2019 to be reappropriated to fiscal year 2020. 80706
 The amount certified is hereby reappropriated to the same 80707
 appropriation item for fiscal year 2020. 80708

On July 1, 2020, or as soon as possible thereafter, the 80709
 Legislative Inspector General of the Joint Legislative Ethics 80710
 Committee may certify to the Director of Budget and Management an 80711
 amount up to the unexpended, unencumbered balance of the foregoing 80712
 appropriation item 028321, Legislative Ethics Committee, at the 80713
 end of fiscal year 2020 to be reappropriated to fiscal year 2021. 80714
 The amount certified is hereby reappropriated to the same 80715
 appropriation item for fiscal year 2021. 80716

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 80717

General Revenue Fund						80718
GRF 035321	Operating Expenses	\$	18,600,000	\$	19,158,000	80719
GRF 035402	Legislative Fellows	\$	1,080,000	\$	1,080,000	80720
GRF 035405	Correctional Institution Inspection Committee	\$	447,020	\$	447,020	80721

GRF	035407	Legislative Task Force	\$	1,000,000	\$	1,000,000	80722
		on Redistricting					
GRF	035409	National Associations	\$	600,000	\$	600,000	80723
GRF	035410	Legislative	\$	9,000,000	\$	9,270,000	80724
		Information Systems					
GRF	035501	Litigation	\$	2,000,000	\$	2,000,000	80725
TOTAL GRF		General Revenue Fund	\$	32,727,020	\$	33,555,020	80726
		Dedicated Purpose Fund Group					80727
4100	035601	Sale of Publications	\$	10,000	\$	10,000	80728
TOTAL DPF		Dedicated Purpose Fund	\$	10,000	\$	10,000	80729
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	32,737,020	\$	33,565,020	80730

Section 323.20. OPERATING EXPENSES 80732

On July 1, 2019, or as soon as possible thereafter, the 80733
 Director of the Legislative Service Commission may certify to the 80734
 Director of Budget and Management an amount up to the unexpended, 80735
 unencumbered balance of the foregoing appropriation item 035321, 80736
 Operating Expenses, at the end of fiscal year 2019 to be 80737
 reappropriated to fiscal year 2020. The amount certified is hereby 80738
 reappropriated to the same appropriation item for fiscal year 80739
 2020. 80740

On July 1, 2020, or as soon as possible thereafter, the 80741
 Director of the Legislative Service Commission may certify to the 80742
 Director of Budget and Management an amount up to the unexpended, 80743
 unencumbered balance of the foregoing appropriation item 035321, 80744
 Operating Expenses, at the end of fiscal year 2020 to be 80745
 reappropriated to fiscal year 2021. The amount certified is hereby 80746
 reappropriated to the same appropriation item for fiscal year 80747
 2021. 80748

LEGISLATIVE TASK FORCE ON REDISTRICTING 80749

An amount equal to the unexpended, unencumbered balance of 80750

the foregoing appropriation item 035407, Legislative Task Force on 80751
Redistricting, at the end of fiscal year 2019 is hereby 80752
reappropriated to the Legislative Service Commission for the same 80753
purpose for fiscal year 2020. 80754

An amount equal to the unexpended, unencumbered balance of 80755
the foregoing appropriation item 035407, Legislative Task Force on 80756
Redistricting, at the end of fiscal year 2020 is hereby 80757
reappropriated to the Legislative Service Commission for the same 80758
purpose for fiscal year 2021. 80759

LEGISLATIVE INFORMATION SYSTEMS 80760

On July 1, 2019, or as soon as possible thereafter, the 80761
Director of the Legislative Service Commission may certify to the 80762
Director of Budget and Management an amount up to the unexpended, 80763
unencumbered balance of the foregoing appropriation item 035410, 80764
Legislative Information Systems, at the end of fiscal year 2019 to 80765
be reappropriated to fiscal year 2020. The amount certified is 80766
hereby reappropriated to the same appropriation item for fiscal 80767
year 2020. 80768

On July 1, 2020, or as soon as possible thereafter, the 80769
Director of the Legislative Service Commission may certify to the 80770
Director of Budget and Management an amount up to the unexpended, 80771
unencumbered balance of the foregoing appropriation item 035410, 80772
Legislative Information Systems, at the end of fiscal year 2020 to 80773
be reappropriated to fiscal year 2021. The amount certified is 80774
hereby reappropriated to the same appropriation item for fiscal 80775
year 2021. 80776

LITIGATION 80777

The foregoing appropriation item 035501, Litigation, shall be 80778
used for any lawsuit in which the General Assembly is a party 80779
because a legal or constitutional challenge is made against the 80780
Ohio Constitution or an act of the General Assembly. The 80781

chairperson and vice-chairperson of the Legislative Service					80782
Commission shall both approve the use of the appropriated moneys.					80783
An amount equal to the unexpended, unencumbered balance of					80784
the appropriation item 035501, Litigation, at the end of fiscal					80785
year 2019 is hereby reappropriated to the Legislative Service					80786
Commission for the same purpose for fiscal year 2020.					80787
An amount equal to the unexpended, unencumbered balance of					80788
the appropriation item 035501, Litigation, at the end of fiscal					80789
year 2020 is hereby reappropriated to the Legislative Service					80790
Commission for the same purpose for fiscal year 2021.					80791
Section 325.10. LIB STATE LIBRARY BOARD					80792
General Revenue Fund					80793
GRF 350321 Operating Expenses	\$	4,543,122	\$	4,543,122	80794
GRF 350401 Ohioana Library	\$	300,114	\$	300,114	80795
Association					
GRF 350502 Regional Library	\$	500,000	\$	500,000	80796
Systems					
TOTAL GRF General Revenue Fund	\$	5,343,236	\$	5,343,236	80797
Dedicated Purpose Fund Group					80798
4590 350603 Services for	\$	4,202,887	\$	4,202,887	80799
Libraries					
4S40 350604 Ohio Public Library	\$	5,696,898	\$	5,696,898	80800
Information Network					
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194	80801
TOTAL DPF Dedicated Purpose					80802
Fund Group	\$	11,173,979	\$	11,173,979	80803
Internal Service Activity Fund					80804
1390 350602 Services for State	\$	8,000	\$	8,000	80805
Agencies					
TOTAL ISA Internal Service Activity					80806

Fund Group	\$	8,000	\$	8,000	80807
Federal Fund Group					80808
3130 350601 LSTA Federal	\$	5,366,565	\$	5,366,565	80809
TOTAL FED Federal Fund Group	\$	5,366,565	\$	5,366,565	80810
TOTAL ALL BUDGET FUND GROUPS	\$	21,891,780	\$	21,891,780	80811

Section 325.20. OHIOANA LIBRARY ASSOCIATION 80813

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 80814
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REGIONAL LIBRARY SYSTEMS 80818

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 80819
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OHIO PUBLIC LIBRARY INFORMATION NETWORK 80823

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 80824
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 80829
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(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority 80833
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Leader of the House of Representatives, and the President and 80838
Minority Leader of the Senate on any steps being taken by OPLIN 80839
and public libraries in the state to limit and control such 80840
improper usage as well as information on technological, legal, and 80841
law enforcement trends nationally and internationally affecting 80842
this area of public access and service. 80843

(C) The Ohio Public Library Information Network, INFOhio, and 80844
OhioLINK shall, to the extent feasible, coordinate and cooperate 80845
in their purchase or other acquisition of the use of electronic 80846
databases for their respective users and shall contribute funds in 80847
an equitable manner to such effort. 80848

LIBRARY FOR THE BLIND 80849

The foregoing appropriation item 350605, Library for the 80850
Blind, shall be used for the statewide Talking Book Program to 80851
assist the blind and disabled. 80852

TRANSFER TO OPLIN TECHNOLOGY FUND 80853

Notwithstanding sections 5747.03 and 5747.47 of the Revised 80854
Code and any other provision of law to the contrary, in accordance 80855
with a schedule established by the Director of Budget and 80856
Management, the Director of Budget and Management shall transfer 80857
\$3,689,788 cash in each fiscal year from the Public Library Fund 80858
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 80859

TRANSFER TO LIBRARY FOR THE BLIND FUND 80860

Notwithstanding sections 5747.03 and 5747.47 of the Revised 80861
Code and any other provision of law to the contrary, in accordance 80862
with a schedule established by the Director of Budget and 80863
Management, the Director of Budget and Management shall transfer 80864
\$1,274,194 cash in each fiscal year from the Public Library Fund 80865
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 80866

Section 327.10. LCO LIQUOR CONTROL COMMISSION 80867

Dedicated Purpose Fund Group				80868
5LP0 970601 Commission Operating	\$	873,607	\$ 905,916	80869
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	873,607	\$ 905,916	80870
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$ 905,916	80871

Section 329.10. LOT STATE LOTTERY COMMISSION 80873

State Lottery Fund Group				80874
7044 950321 Operating Expenses	\$	59,850,383	\$ 60,544,470	80875
7044 950402 Advertising Contracts	\$	26,750,000	\$ 26,750,000	80876
7044 950403 Gaming Contracts	\$	70,019,071	\$ 71,239,582	80877
7044 950601 Direct Prize Payments	\$	154,333,000	\$ 157,440,000	80878
7044 950605 Problem Gambling	\$	3,400,000	\$ 3,400,000	80879
8710 950602 Annuity Prizes	\$	59,873,000	\$ 60,279,000	80880
TOTAL SLF State Lottery Fund				80881
Group	\$	374,225,454	\$ 379,653,052	80882
TOTAL ALL BUDGET FUND GROUPS	\$	374,225,454	\$ 379,653,052	80883

OPERATING EXPENSES 80884

Notwithstanding sections 127.14 and 131.35 of the Revised 80885
Code, the Controlling Board may, at the request of the State 80886
Lottery Commission, authorize expenditures from the State Lottery 80887
Fund in excess of the amounts appropriated, up to a maximum of 10 80888
per cent of anticipated total revenue accruing from the sale of 80889
lottery products. Upon the approval of the Controlling Board, the 80890
additional amounts are hereby appropriated. 80891

DIRECT PRIZE PAYMENTS 80892

Any amounts, in addition to the amounts appropriated in 80893
appropriation item 950601, Direct Prize Payments, that the 80894
Director of the State Lottery Commission determines to be 80895
necessary to fund prizes are hereby appropriated. 80896

ANNUITY PRIZES					80897
Upon request of the State Lottery Commission, the Director of					80898
Budget and Management may transfer cash from the State Lottery					80899
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in					80900
an amount sufficient to fund deferred prizes. The Treasurer of					80901
State, from time to time, shall credit the Deferred Prizes Trust					80902
Fund (Fund 8710) the pro rata share of interest earned by the					80903
Treasurer of State on invested balances.					80904
Any amounts, in addition to the amounts appropriated in					80905
appropriation item 950602, Annuity Prizes, that the Director of					80906
the State Lottery Commission determines to be necessary to fund					80907
deferred prizes and interest are hereby appropriated.					80908
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND					80909
Estimated transfers from the State Lottery Fund (Fund 7044)					80910
to the Lottery Profits Education Fund (Fund 7017) are to be					80911
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal					80912
year 2021. Transfers by the Director of Budget and Management to					80913
the Lottery Profits Education Fund shall be administered as the					80914
statutes direct.					80915
Section 333.10. MCD DEPARTMENT OF MEDICAID					80916
General Revenue Fund					80917
GRF 651425 Medicaid Program	\$	164,132,342	\$	170,223,643	80918
Support - State					
GRF 651426 Positive Education	\$	2,500,000	\$	2,500,000	80919
Program Connections					
GRF 651525 Medicaid Health Care					80920
Services					
State	\$	4,083,664,309	\$	4,665,434,631	80921
Federal	\$	9,727,365,025	\$	10,558,772,650	80922
Medicaid Health Care	\$	13,811,029,334	\$	15,224,207,281	80923

		Services Total			
GRF	651526	Medicare Part D	\$ 500,325,646	\$ 554,214,667	80924
GRF	651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000	80925
TOTAL GRF General Revenue Fund					80926
		State	\$ 4,751,122,297	\$ 5,392,872,941	80927
		Federal	\$ 9,727,365,025	\$ 10,558,772,650	80928
		GRF Total	\$ 14,478,487,322	\$ 15,951,645,591	80929
Dedicated Purpose Fund Group					80930
4E30	651605	Resident Protection	\$ 3,910,338	\$ 4,013,000	80931
		Fund			
5AN0	651686	Care Innovation and	\$ 53,435,797	\$ 53,406,291	80932
		Community Improvement			
		Program			
5DL0	651639	Medicaid Services -	\$ 741,454,299	\$ 724,170,233	80933
		Recoveries			
5DL0	651685	Medicaid Recoveries -	\$ 40,351,245	\$ 44,375,000	80934
		Program Support			
5DL0	651690	Multi-system Youth	\$ 4,000,000	\$ 6,000,000	80935
		Custody			
		Relinquishment			
5FX0	651638	Medicaid Services -	\$ 12,000,000	\$ 12,000,000	80936
		Payment Withholding			
5GF0	651656	Medicaid Services -	\$ 822,016,219	\$ 887,150,856	80937
		Hospital Upper			
		Payment Limit			
5R20	651608	Medicaid Services -	\$ 420,154,000	\$ 425,554,000	80938
		Long Term			
5SC0	651683	Medicaid Services -	\$ 7,520,000	\$ 7,645,000	80939
		Physician UPL			
5TN0	651684	Medicaid Services -	\$ 820,564,060	\$ 791,187,400	80940
		HIC Fee			
5VW0	651691	Rural Healthcare	\$ 15,000,000	\$ 30,000,000	80941
		Workforce Training			

		and Retention Program				
6510	651649	Medicaid Services -	\$ 249,167,065	\$ 168,310,123		80942
		Hospital Care				
		Assurance Program				
TOTAL DPF		Dedicated Purpose Fund	\$ 3,189,573,023	\$ 3,153,811,903		80943
		Group				
		Holding Account Fund Group				80944
R055	651644	Refunds and	\$ 1,000,000	\$ 1,000,000		80945
		Reconciliation				
TOTAL HLD		Holding Account Fund	\$ 1,000,000	\$ 1,000,000		80946
		Group				
		Federal Fund Group				80947
3ER0	651603	Medicaid and Health	\$ 48,031,056	\$ 48,340,000		80948
		Transformation				
		Technology				
3F00	651623	Medicaid Services -	\$ 6,502,044,325	\$ 6,353,625,824		80949
		Federal				
3F00	651624	Medicaid Program	\$ 516,667,497	\$ 527,369,363		80950
		Support - Federal				
3FA0	651680	Health Care Grants -	\$ 11,988,670	\$ 12,000,000		80951
		Federal				
3G50	651655	Medicaid Interagency	\$ 225,701,597	\$ 225,701,597		80952
		Pass Through				
TOTAL FED		Federal Fund Group	\$ 7,304,433,145	\$ 7,167,036,784		80953
TOTAL ALL BUDGET FUND GROUPS			\$24,973,493,490	\$26,273,494,278		80954

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 80956

(A) Until July 1, 2021, the Medicaid Director has the 80957
authority to establish, change, and abolish positions for the 80958
Department of Medicaid, and to assign, reassign, classify, 80959
reclassify, transfer, reduce, promote, or demote all employees of 80960
the Department of Medicaid who are not subject to Chapter 4117. of 80961

the Revised Code. 80962

(B) The authority granted under division (A) of this section 80963
includes assigning or reassigning an exempt employee, as defined 80964
in section 124.152 of the Revised Code, to a bargaining unit 80965
classification if the Medicaid Director determines that the 80966
bargaining unit classification is the proper classification for 80967
that employee. The actions of the Medicaid Director shall be 80968
consistent with the requirements of 5 C.F.R. 900.603 for those 80969
employees subject to such requirements. If an employee in the E-1 80970
pay range is to be assigned, reassigned, classified, reclassified, 80971
transferred, reduced, or demoted to a position in a lower 80972
classification under this section, the Medicaid Director, or in 80973
the case of a transfer outside the Department of Medicaid, the 80974
Director of Administrative Services, shall assign the employee to 80975
the appropriate classification and place the employee in Step X. 80976
The employee shall not receive any increase in compensation until 80977
the maximum rate of pay for that classification exceeds the 80978
employee's compensation. 80979

(C) Actions taken by the Medicaid Director and Director of 80980
Administrative Services pursuant to this section are not subject 80981
to appeal to the State Personnel Board of Review. 80982

(D) A portion of the foregoing appropriation items 651425, 80983
Medicaid Program Support - State, 651603, Medicaid and Health 80984
Transformation Technology, 651624, Medicaid Program Support - 80985
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 80986
Interagency Pass-Through, 651605, Resident Protection Fund, and 80987
651682, Health Care Grants - State, may be used to pay for costs 80988
associated with the administration of the Medicaid program, 80989
including the assignment, reassignment, classification, 80990
reclassification, transfer, reduction, promotion, or demotion of 80991
employees authorized by this section. 80992

Section 333.30. POSITIVE EDUCATION PROGRAM CONNECTIONS 80993

The foregoing appropriation item 651426, Positive Education 80994
Program Connections, shall be used for the Positive Education 80995
Program Connections in Cuyahoga County. 80996

Section 333.40. MEDICAID HEALTH CARE SERVICES 80997

The foregoing appropriation item 651525, Medicaid Health Care 80998
Services, shall not be limited by section 131.33 of the Revised 80999
Code. 81000

Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES 81001

Upon the request of the Medicaid Director, the Director of 81002
Budget and Management may transfer state share appropriations from 81003
General Revenue Fund appropriation item 651525, Medicaid Health 81004
Care Services, to appropriation items in other state agencies for 81005
the purpose of lead abatement and related activities. If such a 81006
transfer occurs, the Director of Budget and Management may adjust, 81007
using the federal reimbursement rate, the federal share of General 81008
Revenue Fund appropriation item 651525, Medicaid Health Care 81009
Services, accordingly. The Director of Medicaid may transfer 81010
federal funds as the state's single state agency for Medicaid 81011
reimbursements, as drawn for these transactions. 81012

Section 333.55. PASSPORT ENHANCED COMMUNITY LIVING SERVICES 81013

Of the foregoing appropriation item 651525, Medicaid Health 81014
Care Services, \$27,027 in each fiscal year shall be used to 81015
increase the payment rates for enhanced community living services 81016
covered by the PASSPORT Program. 81017

Section 333.58. ENHANCED MATERNAL CARE SERVICES 81018

Of the amount the Department of Medicaid has allocated for 81019

home visiting services from appropriation item 651525, Medicaid 81020
Health Care Services, \$2,500,000 in each fiscal year shall be used 81021
to fund practice transformation activities that increase safe 81022
spacing initiatives with high volume Medicaid providers serving 81023
women in high infant mortality regions. 81024

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 81025
CARE 81026

(A) As used in this section: 81027

(1) "ICDS participant" has the same meaning as in section 81028
5164.01 of the Revised Code. 81029

(2) "Integrated Care Delivery System" and "ICDS" have the 81030
same meaning as section 5164.01 of the Revised Code. 81031

(3) "Medicaid managed care organization" has the same meaning 81032
as in section 5167.01 of the Revised Code. 81033

(B) For fiscal year 2020 and fiscal year 2021, the Department 81034
of Medicaid shall provide performance payments as provided under 81035
this section to Medicaid managed care organizations providing care 81036
under the Integrated Care Delivery System. 81037

(C) If ICDS participants receive care through Medicaid 81038
managed care organizations under ICDS, the Department shall, in 81039
consultation with the United States Centers for Medicare and 81040
Medicaid Services, do both of the following: 81041

(1) Develop quality measures designed specifically to 81042
determine the effectiveness of the health care and other services 81043
provided to ICDS participants by Medicaid managed care 81044
organizations; 81045

(2) Determine an amount to be withheld from the Medicaid 81046
premium payments paid to Medicaid managed care organizations for 81047
ICDS participants. 81048

(D)(1) For the purposes of division (C)(2) of this section, 81049
the Department shall establish an amount that is to be withheld 81050
each time a premium payment is made to a Medicaid managed care 81051
organization for an ICDS participant. The amount shall be 81052
established as a percentage of each premium payment. The 81053
percentage shall be the same for all Medicaid managed care 81054
organizations providing care to ICDS participants. 81055

(2) Each Medicaid managed care organization shall agree to 81056
the withholding as a condition of receiving or maintaining its 81057
Medicaid provider agreement with the Department. 81058

(3) When the amount is established and each time the amount 81059
is modified thereafter, the Department shall certify the amount to 81060
the Director of Budget and Management and begin withholding the 81061
amount from each premium the Department pays to a Medicaid managed 81062
care organization for an ICDS participant. 81063

(E) A Medicaid managed care organization subject to this 81064
section is not subject to section 5167.30 of the Revised Code for 81065
premium payments attributed to ICDS participants during fiscal 81066
year 2020 and fiscal year 2021. 81067

Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 81068

The Director of Budget and Management may authorize 81069
additional expenditures from appropriation item 651623, Medicaid 81070
Services - Federal, appropriation item 651525, Medicaid Health 81071
Care Services, and appropriation item 651656, Medicaid Services - 81072
Hospital Upper Payment Limit, in order to implement the programs 81073
authorized by sections 5168.20 through 5168.28 of the Revised 81074
Code. Any amounts authorized are hereby appropriated. 81075

Section 333.80. MEDICARE PART D 81076

The foregoing appropriation item 651526, Medicare Part D, may 81077
be used by the Department of Medicaid for the implementation and 81078

operation of the Medicare Part D requirements contained in the 81079
"Medicare Prescription Drug, Improvement, and Modernization Act of 81080
2003," Pub. L. No. 108-173, as amended. Upon the request of the 81081
Department of Medicaid, the Director of Budget and Management may 81082
transfer the state share of appropriations between appropriation 81083
item 651525, Medicaid Health Care Services, and appropriation item 81084
651526, Medicare Part D. If the state share of appropriation item 81085
651525, Medicaid Health Care Services, is adjusted, the Director 81086
of Budget and Management shall adjust the federal share 81087
accordingly. The Department of Medicaid shall provide notification 81088
to the Controlling Board of any transfers at the next scheduled 81089
Controlling Board meeting. 81090

Section 333.82. BRIGID'S PATH PROGRAM 81091

The foregoing appropriation item 651529, Brigid's Path 81092
Program, shall be distributed to the Brigid's Path Program in 81093
Montgomery County. 81094

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES 81095
FUND 81096

Of the amount received by the Department of Medicaid during 81097
fiscal year 2020 and fiscal year 2021 from the first installment 81098
of assessments paid under section 5168.06 of the Revised Code and 81099
intergovernmental transfers made under section 5168.07 of the 81100
Revised Code, the Medicaid Director shall deposit \$350,000 in each 81101
fiscal year into the state treasury to the credit of the Health 81102
Care Services Support and Recoveries Fund (Fund 5DL0). 81103

Section 333.95. MULTI-SYSTEM YOUTH CUSTODY RELINQUISHMENT 81104

The foregoing appropriation item 651690, Multi-System Youth 81105
Custody Relinquishment, shall be used to prevent custody 81106
relinquishment of multi-system children and youth and to obtain 81107

services consistent with the plan developed under section 121.374 81108
of the Revised Code. 81109

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 81110

If receipts credited to the Health Care Federal Fund (Fund 81111
3F00) exceed the amounts appropriated from the fund for making the 81112
hospital care assurance program distribution, the Medicaid 81113
Director may request the Director of Budget and Management to 81114
authorize expenditures from the fund in excess of the amounts 81115
appropriated. Upon the approval of the Director of Budget and 81116
Management, the additional amounts are hereby appropriated. 81117

The foregoing appropriation item 651649, Medicaid Services - 81118
Health Care Assurance Program, shall be used by the Department of 81119
Medicaid for distributing the state share of all hospital care 81120
assurance program funds to hospitals under section 5168.09 of the 81121
Revised Code. If receipts credited to the Hospital Care Assurance 81122
Program Fund (Fund 6510) exceed the amounts appropriated from the 81123
fund for making the hospital care assurance program distribution, 81124
the Medicaid Director may request the Director of Budget and 81125
Management to authorize expenditures from the fund in excess of 81126
the amounts appropriated. Upon the approval of the Director of 81127
Budget and Management, the additional amounts are hereby 81128
appropriated. 81129

Section 333.110. REFUNDS AND RECONCILIATION FUND 81130

If receipts credited to the Refunds and Reconciliation Fund 81131
exceed the amounts appropriated from the fund, the Medicaid 81132
Director may request the Director of Budget and Management to 81133
authorize expenditures from the fund in excess of the amounts 81134
appropriated. Upon approval of the Director of Budget and 81135
Management, the additional amounts are hereby appropriated. 81136

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 81137

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 81138
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Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 81143

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction. 81144
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Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT 81164
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Upon the request of the Medicaid Director, the Director of 81166

Budget and Management may transfer up to \$5,000,000 of state share 81167
appropriations in each fiscal year between General Revenue Fund 81168
appropriation item 651525, Medicaid Health Care Services, within 81169
the Department of Medicaid, and 655522, Medicaid Program Support - 81170
Local, within the Department of Job and Family Services. If such a 81171
transfer occurs, the Director of Budget and Management shall 81172
adjust, using the federal reimbursement rate, the federal share 81173
appropriations of General Revenue Fund appropriation item 651525, 81174
Medicaid Health Care Services, within the Department of Medicaid, 81175
and the Medicaid Program Support Fund (Fund 3F01) appropriation 81176
item 655624, Medicaid Program Support - Federal, within the 81177
Department of Job and Family Services. The Director of Medicaid 81178
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 81179
the federal funds which the Department of Medicaid, as the state's 81180
sole point of contact with the federal government for Medicaid 81181
reimbursements, has drawn for this transaction. 81182

The Medicaid Director shall establish criteria for 81183
distributing these funds and for county departments of job and 81184
family services to submit allowable expenses. 81185

County departments of job and family services shall comply 81186
with new roles, processes, and responsibilities related to the new 81187
eligibility determination system. County departments of job and 81188
family services shall report to the Ohio Department of Job and 81189
Family Services and the Ohio Department of Medicaid, on a schedule 81190
determined by the Medicaid Director, how the funds were used. 81191

Section 333.160. ICDS AND OHIO HOME CARE WAIVERS PAYMENT 81192
RATES FOR HOME-DELIVERED MEALS 81193

(A) As used in this section: 81194

(1) "ICDS waiver" means the home and community-based services 81195
Medicaid waiver component for the Integrated Care Delivery System 81196
authorized by section 5166.16 of the Revised Code. 81197

(2) "Ohio Home Care waiver" means the home and community-based services Medicaid waiver component that is known as Ohio Home Care and was created pursuant to section 5166.11 of the Revised Code.

(B) The payment rates for home-delivered meals provided under the ICDS waiver and the Ohio Home Care waiver during the period beginning July 1, 2019, and ending July 1, 2021, shall be the following:

(1) For each meal delivered daily on a per-meal delivery basis by a volunteer or employee of the provider, \$7.19;

(2) For each meal delivered in a chilled or frozen format on a weekly basis by a volunteer or employee of the provider, \$6.99;

(3) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.

Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and

fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.	81227 81228
(C) This section does not apply to community behavioral health services provided by any of the following:	81229 81230
(1) Hospitals on an inpatient basis;	81231
(2) Nursing facilities;	81232
(3) Intermediate care facilities for individuals with intellectual disabilities.	81233 81234
Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	81235 81236
(A) As used in this section:	81237
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	81238 81239
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	81240 81241
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	81242 81243
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	81244 81245
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:	81246 81247 81248 81249 81250
(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those	81251 81252 81253 81254 81255

services and other health-care services those individuals and that 81256
eligibility group receive; 81257

(2) In selecting managed care organizations with which to 81258
contract under section 5167.10 of the Revised Code, give 81259
preference to those organizations that will enter into 81260
subcapitation arrangements with area agencies on aging under which 81261
the agencies are to perform, in addition to other functions, 81262
network management and payment functions for home and 81263
community-based services available under Medicaid waiver 81264
components that those individuals and that eligibility group 81265
receive. 81266

Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 81267

Upon the request of the Medicaid Director, the Director of 81268
Budget and Management may transfer up to \$500,000 of state share 81269
appropriations in each fiscal year between appropriation item 81270
651685, Medicaid Recoveries - Program Support, within the 81271
Department of Medicaid, and 655425, Medicaid Program Support, 81272
within the Department of Job and Family Services. If such a 81273
transfer occurs, the Director of Budget and Management shall 81274
adjust, using the federal reimbursement rate, the federal share 81275
appropriations of appropriation item 651624, Medicaid Program 81276
Support - Federal, within the Department of Medicaid, and 81277
appropriation item 655624, Medicaid Program Support - Federal, 81278
within the Department of Job and Family Services. Any transfer of 81279
funds shall be provided to the Department of Job and Family 81280
Services and shall only be used for costs related to transitioning 81281
to a new work requirement for the Medicaid program as prescribed 81282
by the Medicaid Director. 81283

Section 333.210. WORK REQUIREMENT - COUNTY COSTS 81284

Upon the request of the Medicaid Director, the Director of 81285

Budget and Management may transfer up to \$10,000,000 of state 81286
share appropriations in each fiscal year between appropriation 81287
item 651525, Medicaid Health Care Services, within the Department 81288
of Medicaid, and 655522, Medicaid Program Support - Local, within 81289
the Department of Job and Family Services. If such a transfer 81290
occurs, the Director of Budget and Management shall adjust, using 81291
the federal reimbursement rate, the federal share appropriations 81292
of appropriation item 651525, Medicaid Health Care Services, 81293
within the Department of Medicaid, and appropriation item 655624, 81294
Medicaid Program Support - Federal, within the Department of Job 81295
and Family Services. Any increase in funding shall be provided to 81296
county departments of job and family services and shall only be 81297
used for costs related to transitioning to a new work requirement 81298
under the Medicaid program as prescribed by the Medicaid Director. 81299
These funds shall not be used for existing and ongoing operating 81300
expenses. The Medicaid Director shall establish criteria for 81301
distributing these funds and for county departments of job and 81302
family services to submit allowable expenses. 81303

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT 81304
PROGRAM 81305

(A) As used in this section: 81306

(1) "Nonprofit hospital agency" means a nonprofit hospital 81307
agency, as defined in section 140.01 of the Revised Code, that is 81308
affiliated with a state university as defined in section 3345.011 81309
of the Revised Code. 81310

(2) "Participating agency" means a nonprofit hospital agency 81311
or public hospital agency participating in the Care Innovation and 81312
Community Improvement Program. 81313

(3) "Public hospital agency" has the same meaning as in 81314
section 140.01 of the Revised Code. 81315

(B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D)(1) Each participating agency shall do at least one of the following tasks in accordance with strategies, and for the purpose of meeting goals, that the Medicaid Director shall establish for the Care Innovation and Community Improvement Program:

(a) Sustain and expand community-based patient centered medical home models;

(b) Expand access to community-based dental services;

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in

collaboration with all other participating agencies that are also 81346
doing this task, create and implement a plan to assist rural areas 81347
of the state do both of the following: 81348

(i) Expand access to cost-effective detoxification, 81349
withdrawal management, and prevention services for opioid 81350
addiction; 81351

(ii) Disseminate evidence-based protocols for opioid 81352
prescribing and drug addiction risk assessment. 81353

(2) In expanding access to ambulatory drug detoxification and 81354
withdrawal management services under division (D)(1)(e) of this 81355
section and creating and implementing the plan specified in 81356
division (D)(1)(g) of this section, each participating agency 81357
shall give priority to the areas of the community served by the 81358
agency with the greatest concentration of opioid overdoses and 81359
deaths. 81360

(3) Each participating agency shall submit annual reports to 81361
the Joint Medicaid Oversight Committee summarizing the agency's 81362
work under division (D)(1) of this section and progress in meeting 81363
the goals of the Care Innovation and Community Improvement 81364
Program. 81365

(4) The goals that the Medicaid Director establishes for the 81366
Care Innovation and Community Improvement Program shall be 81367
designed to benefit Medicaid recipients. 81368

(E) Each participating agency shall receive supplemental 81369
payments under the Medicaid program for physician and other 81370
professional services that are covered by the Medicaid program and 81371
provided to Medicaid recipients. The amount of the supplemental 81372
payments shall equal the difference between the Medicaid payment 81373
rates for the services and the average commercial payment rates 81374
for the services. The Director may terminate, or adjust the amount 81375
of, the supplemental payments if the amount of the funds available 81376

for the Care Innovation and Community Improvement Program is 81377
inadequate. 81378

(F) Not later than January 1, 2020, the Medicaid Director 81379
shall establish a process to evaluate the work done by 81380
participating agencies under division (D)(1) of this section and 81381
the agencies' progress in meeting the goals of the Care Innovation 81382
and Community Improvement Program. The Director may terminate an 81383
agency's participation in the program if the Director determines 81384
that the agency is not doing at least one of the tasks specified 81385
in division (D)(1) of this section or making progress in meeting 81386
the program's goals. 81387

(G) All intergovernmental transfers made under division (C) 81388
of this section shall be deposited into the Care Innovation and 81389
Community Improvement Program Fund created by Section 333.320 of 81390
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 81391
and the corresponding federal financial participation in the 81392
Health Care - Federal Fund created under section 5162.50 of the 81393
Revised Code shall be used to make supplemental payments under 81394
division (E) of this section. 81395

(H) If the amount of the foregoing appropriation item 651686, 81396
Care Innovation and Community Improvement Program, and the 81397
corresponding federal financial participation in appropriation 81398
item 651623, Medicaid Services - Federal, are inadequate to make 81399
the supplemental payments required by division (E) of this 81400
section, the Medicaid Director may request that the Director of 81401
Budget and Management authorize additional expenditures from the 81402
Care Innovation and Community Improvement Program Fund and the 81403
Health Care - Federal Fund as needed to make the supplemental 81404
payments. If the Director of Budget and Management authorizes the 81405
additional expenditures, the additional amounts are hereby 81406
appropriated. 81407

Section 333.225. MANAGED CARE CLAIMS FUND 81408

There is hereby created in the state treasury the Managed 81409
Care Claims Fund. The fund shall consist of money that Medicaid 81410
managed care organizations pay to the Department of Medicaid in 81411
order for the Department to be able to make payments to providers 81412
under the care management system that the organizations are unable 81413
to make due to systems issues. Money in the fund shall be used to 81414
make such payments. 81415

The Medicaid Director may request the Director of Budget and 81416
Management to authorize expenditures from the Managed Care Claims 81417
Fund and the corresponding federal share from the Health Care 81418
Federal Fund (Fund 3F00). Upon the approval of the Director of 81419
Budget and Management, the amounts requested are hereby 81420
appropriated. 81421

Section 333.227. RURAL HEALTHCARE WORKFORCE TRAINING AND 81422
RETENTION PROGRAM 81423

(A) As used in this section: 81424

(1) "Critical access hospital" means a hospital designated as 81425
a critical access hospital by the Director of Health under section 81426
3701.073 of the Revised Code. 81427

(2) "Nonprofit hospital agency" means a nonprofit hospital 81428
agency, as defined in section 140.01 of the Revised Code, that is 81429
affiliated with a state university as defined in section 3345.011 81430
of the Revised Code. 81431

(3) "Participating agency" means a nonprofit hospital agency 81432
or public hospital agency participating in the Rural Healthcare 81433
Workforce Training and Retention Program. 81434

(4) "Public hospital agency" has the same meaning as in 81435
section 140.01 of the Revised Code. 81436

(5) "Rural hospital" means a hospital agency, as defined in section 140.01 of the Revised Code, to which all of the following apply:

(a) It is certified under the Medicare program or accredited by a national accrediting organization approved by the Centers for Medicare and Medicaid Services.

(b) It is registered with the Department of Health in accordance with division (A) of section 3701.07 of the Revised Code.

(c) Is located in a county that has a population of less than one hundred twenty-five thousand.

(B) The Medicaid Director shall create the Rural Healthcare Workforce Training and Retention Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates both of the following:

(1) A hospital that has a Medicaid provider agreement;

(2) An approved graduate medical education program as defined in 42 C.F.R. 415.152.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D) Each participating agency shall do all of the following tasks in accordance with strategies, and for the purpose of meeting goals, that the Medicaid Director shall establish for the program:

(1) Increase residency positions in primary, specialty, or dental care as identified by the Medicaid Director;

(2) Create incentives to increase recruitment and retention of graduates of Ohio residency and fellowship programs in primary, specialty, or dental care as identified by the Medicaid Director;	81467 81468 81469
(3) Increase training opportunities for physician assistants, psychologists, and advanced practice registered nurses in primary care, alcohol and drug treatment, or mental health, as appropriate for their scope of practice;	81470 81471 81472 81473
(4) Report to the Medicaid Director about how the tasks specified in divisions (D)(1), (2), and (3) of this section will address the workforce needs of critical access hospitals and rural hospitals;	81474 81475 81476 81477
(5) Create opportunities for persons to receive training in all of the following:	81478 81479
(a) Serving medically underserved populations;	81480
(b) Providing team-based care;	81481
(c) Undergoing clinical rotations in federally qualified health centers, critical access hospitals, and rural hospitals.	81482 81483
(E) The Medicaid Director shall consult with the Director of Health to ensure that strategies and goals established for the program under division (D) of this section are consistent with the state's healthcare workforce objectives.	81484 81485 81486 81487
(F) Each participating agency shall receive supplemental payments under the Medicaid program at least once during fiscal year 2020 and at least once again during fiscal year 2021 for graduate medical education costs that are apportioned to the provision of hospital inpatient services included in the care management system established under section 5167.03 of the Revised Code and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the following:	81488 81489 81490 81491 81492 81493 81494 81495 81496

(1) Medicaid payments for direct and indirect graduate medical education;	81497 81498
(2) The Medicaid payment based in part on Medicare direct and indirect graduate medical education reimbursement principles.	81499 81500
(G) The Medicaid Director, in consultation with participating agencies, shall create a centralized database that tracks both of the following:	81501 81502 81503
(1) How participating agencies are encouraging physicians in residency programs to practice in medical specialties for which there is a need in this state;	81504 81505 81506
(2) Physicians' decisions to practice medicine in this state, the locations at which they practice medicine, and whether they become Medicaid providers or obtain employment with Medicaid providers.	81507 81508 81509 81510
(H) There is hereby created in the state treasury the Rural Healthcare Workforce Training and Retention Program Fund. All intergovernmental transfers made under division (C) of this section shall be deposited into the fund. Money in the fund and the corresponding federal financial participation in the Health Care - Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (F) of this section.	81511 81512 81513 81514 81515 81516 81517 81518
(I) If the amount of the foregoing appropriation item 651691, Rural Healthcare Workforce Training and Retention Program, and the corresponding federal financial participation in appropriation item 651623, Medicaid Services - Federal, are inadequate to make the supplemental payments under division (F) of this section, the Medicaid Director may request that the Director of Budget and Management authorize additional expenditures from the Rural Healthcare Workforce Training and Retention Program Fund and the Health Care - Federal Fund as needed to make the supplemental	81519 81520 81521 81522 81523 81524 81525 81526 81527

payments. If the Director of Budget and Management authorizes the 81528
additional expenditures, the additional amounts are hereby 81529
appropriated. 81530

Section 333.260. 340B DRUG PRICING PROGRAM COMPLIANCE REPORT 81531

(A) As used in this section: 81532

(1) "340B covered entity" means an entity described in 81533
section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 81534
256(b)(a)(4). 81535

(2) "340B Drug Pricing Program" means the program enacted 81536
under section 602 of the "Veterans Health Care Act of 1992," 81537
Public Law 102 - 585, codified in section 340B of the "Public 81538
Health Service Act," 42 U.S.C. 256b. 81539

(3) "Medicaid managed care organization" has the same meaning 81540
as in section 5167.01 of the Revised Code. 81541

(4) "Medicaid provider" and "prescribed drug" have the same 81542
meanings as in section 5164.01 of the Revised Code. 81543

(B) Not later than January 1, 2021, the Medicaid Director 81544
shall submit to the General Assembly a report detailing how the 81545
Department of Medicaid, its subcontractors, and Medicaid managed 81546
care organizations have complied with the requirements of the 340B 81547
Drug Pricing Program. As part of the report, the Department shall 81548
detail processes and methods that it has implemented to do both of 81549
the following: 81550

(1) Ensure that utilization data used under either the fee 81551
for service or managed care component of the Medicaid Program to 81552
invoice prescribed drug manufacturers does not include claims data 81553
representing drugs purchased under the 340B Drug Pricing Program; 81554

(2) Identify a Medicaid provider that is a 340B covered 81555
entity, including a provider that has a contract with a Medicaid 81556
managed care organization to serve Medicaid recipients, and any 81557

pharmacy that has a contract to dispense on the provider's behalf 81558
prescribed drugs purchased under the 340B Drug Pricing Program. 81559

(C) The report shall be submitted in accordance with section 81560
101.68 of the Revised Code. 81561

Section 333.270. BUDGET REDUCTION ADJUSTMENT FACTOR 81562

As used in this section, "budget reduction adjustment factor" 81563
and "Medicare skilled nursing facility market basket index" have 81564
the same meanings as in section 5165.01 of the Revised Code. 81565

For the purpose of sections 5165.15, 5165.16, 5165.17, 81566
5165.19, and 5165.21 of the Revised Code, the budget reduction 81567
adjustment factor shall be the following: 81568

(A) For the second half of state fiscal year 2020, two and 81569
four-tenths per cent; 81570

(B) For all of state fiscal year 2021, an amount equal to the 81571
Medicare skilled nursing facility market basket index determined 81572
for all of federal fiscal year 2020. 81573

Section 335.10. MED STATE MEDICAL BOARD 81574

Dedicated Purpose Fund Group 81575

5C60 883609	Operating Expenses	\$	10,862,471	\$	11,302,171	81576
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TOTAL DPF Dedicated Purpose Fund		\$	10,862,471	\$	11,302,171	81577
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	10,862,471	\$	11,302,171	81578
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Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 81580

SERVICES 81581

General Revenue Fund 81582

GRF 336321	Central	\$	16,606,612	\$	16,932,239	81583
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Administration

GRF 336402	Resident Trainees	\$	450,000	\$	450,000	81584
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GRF	336405	Family and Children First	\$	1,386,000	\$	1,386,000	81585
GRF	336406	Prevention and Wellness	\$	2,620,996	\$	2,620,996	81586
GRF	336412	Hospital Services	\$	231,002,089	\$	240,172,285	81587
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$	19,695,400	\$	20,369,000	81588
GRF	336421	Continuum of Care Services	\$	84,023,346	\$	82,839,846	81589
GRF	336422	Criminal Justice Services	\$	17,113,780	\$	17,117,915	81590
GRF	336423	Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	81591
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	81592
GRF	336425	Specialized Docket Support	\$	7,500,000	\$	10,000,000	81593
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	81594
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	81595
GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	81596
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	81597
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	81598
TOTAL GRF		General Revenue Fund	\$	444,090,887	\$	457,479,940	81599
		Dedicated Purpose Fund Group					81600
2320	336621	Family and Children First	\$	600,000	\$	600,000	81601
4750	336623	Statewide Treatment and Prevention	\$	20,600,000	\$	15,600,000	81602

4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	81603
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	81604
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	81605
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	81606
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	81607
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	81608
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	81609
6890	336640	Education and Conferences	\$	150,000	\$	150,000	81610
TOTAL DPF	Dedicated Purpose Fund		\$	72,265,000	\$	57,455,000	81611
Group							
Internal Service Activity Fund Group							81612
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	81613
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	81614
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	81615
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	81616
TOTAL ISA	Internal Service Activity		\$	105,920,822	\$	105,920,822	81617
Fund Group							
Federal Fund Group							81618
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	81619
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	81620
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	81621

3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	81622
3A90	336614	Mental Health Block Grant	\$	22,020,790	\$	22,058,470	81623
3B10	652636	Community Medicaid Legacy Support	\$	10,878,084	\$	11,000,000	81624
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	81625
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	81626
3HB0	336503	Cures Opioid State Targeted Response	\$	33,084,837	\$	32,634,837	81627
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000	81628
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	81629
TOTAL FED	Federal Fund Group		\$	242,209,680	\$	199,319,063	81630
TOTAL ALL BUDGET	FUND GROUPS		\$	864,486,389	\$	820,174,825	81631

Section 337.30. PREVENTION AND WELLNESS 81633

The foregoing appropriation item 336406, Prevention and 81634
Wellness, shall be used as follows: 81635

(A) Up to \$1,250,000 in each fiscal year shall be distributed 81636
to boards of alcohol, drug addiction, and mental health services 81637
to purchase the provision of evidence-based prevention services 81638
from providers certified by the Department of Mental Health and 81639
Addiction Services. 81640

(B) Up to \$500,000 in each fiscal year shall be used to: 81641

(1) Conduct a study in coordination with the Department of 81642
Veterans Services on the rates of suicide in this state for the 81643
previous ten calendar years. The study shall examine suicide rates 81644
for the general population as a whole and suicide rates for 81645
veterans of the United States armed forces as a subgroup. Not 81646
later than one year after the effective date of this section, the 81647
Departments shall complete a report on the study. The report shall 81648

include the Departments' conclusions regarding the causes of 81649
suicides and recommendations for reducing the rates of suicide in 81650
this state. The Departments shall submit the report to the General 81651
Assembly in accordance with section 101.68 of the Revised Code and 81652
make it available to the public on their web sites. 81653

(2) Support suicide prevention efforts. 81654

(C) \$120,000 in each fiscal year shall be allocated to 81655
Northeast Ohio Medical University's statewide campus safety and 81656
mental health programs, including suicide prevention. 81657

Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 81658
PAYMENTS 81659

The foregoing appropriation item 336415, Mental Health 81660
Facilities Lease Rental Bond Payments, shall be used to meet all 81661
payments during the period from July 1, 2019, through June 30, 81662
2021, by the Department of Mental Health and Addiction Services 81663
pursuant to leases and agreements made under section 154.20 of the 81664
Revised Code. These appropriations are the source of funds pledged 81665
for bond service charges on obligations issued pursuant to Chapter 81666
154. of the Revised Code. 81667

Section 337.50. CONTINUUM OF CARE SERVICES 81668

The foregoing appropriation item 336421, Continuum of Care 81669
Services, shall be used as follows: 81670

(A) A portion of this appropriation shall be allocated to 81671
boards of alcohol, drug addiction, and mental health services in 81672
accordance with a distribution methodology determined by the 81673
Director of Mental Health and Addiction Services for the boards to 81674
purchase mental health and addiction services permitted under 81675
Chapter 340. of the Revised Code. Boards may use a portion of the 81676
funds allocated: 81677

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers. There shall be one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It admits individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It admits individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It is located in a building constructed for another purpose before the effective date of this section. 81708
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(5) It admits individuals who have been identified as needing the stabilization services provided by the center. 81710
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(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code. 81712
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(D) As used in division (C) of this section: 81715

(1) "State or local correctional facility" means any of the following: 81716
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(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code; 81718
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(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 81720
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(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 81722
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(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 81724
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(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$375,000 in each fiscal year shall be allocated to the Bellefaire Jewish Children's Home to be used for start-up costs associated with the operations of its pediatric psychiatric hospital and affiliated medical and dental clinic. These start-up costs may include recruiting, onboarding, and training staff, as well as costs associated with the gradual ramp-up to full client capacity and the development of a reimbursement structure. 81728
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to 81736
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the Chardon School District to be used for program-related 81738
activities. 81739

(G) Of the foregoing appropriation item 336421, Continuum of 81740
Care Services, \$100,000 in each fiscal year shall be distributed 81741
to the Applewood Centers Inc. to be used for the continuation and 81742
expansion of existing programs to support the health clinic and 81743
community-based health care operations and to help meet the needs 81744
of youth served in addressing the opioid crisis. 81745

(H) Of the foregoing appropriation item 336421, Continuum of 81746
Care Services, \$1,183,500 in fiscal year 2020 shall be allocated 81747
to the Ashland Center for Addictions Project. 81748

(I) Of the foregoing appropriation item 336421, Continuum of 81749
Care Services, \$250,000 in each fiscal year shall be allocated to 81750
LifeAct. 81751

Section 337.60. CRIMINAL JUSTICE SERVICES 81752

Except as otherwise provided in this act, the foregoing 81753
appropriation item 336422, Criminal Justice Services, shall be 81754
used to provide forensic psychiatric evaluations to courts of 81755
common pleas and to conduct evaluations of patients of forensic 81756
status in facilities operated or designated by the Department of 81757
Mental Health and Addiction Services prior to conditional release 81758
to the community. A portion of this appropriation may be allocated 81759
through boards of alcohol, drug addiction, and mental health 81760
services to community addiction and/or mental health services 81761
providers in accordance with a distribution methodology as 81762
determined by the Director of Mental Health and Addiction 81763
Services. 81764

The foregoing appropriation item 336422, Criminal Justice 81765
Services, may also be used to: 81766

(A) Provide forensic monitoring and tracking of individuals 81767

on conditional release;	81768
(B) Provide forensic training;	81769
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	81770 81771 81772
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	81773 81774
(E) Provide specific grants in support of addiction services alternatives to incarceration;	81775 81776
(F) Support therapeutic communities; and	81777
(G) Support specialty dockets and expand or create new certified court programs.	81778 81779
Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	81780 81781
(A) As used in this section:	81782
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	81783 81784
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	81785 81786
(3) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	81787 81788 81789 81790 81791 81792 81793
(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	81794 81795

(5) "Recovery supports" has the same meaning as in section 81796
5119.01 of the Revised Code. 81797

(6) "Substance use disorder treatment" has the same meaning 81798
as "alcohol and drug addiction services" as defined in section 81799
5119.01 of the Revised Code. 81800

(B)(1) The Department of Mental Health and Addiction Services 81801
shall conduct a program to provide substance use disorder 81802
treatment, which may include medication-assisted treatment and 81803
recovery supports, to persons who are eligible to participate in a 81804
medication-assisted treatment drug court program and are selected 81805
under this section to be participants in a MAT drug court program 81806
because of a substance use disorder. 81807

(2) The Department shall conduct its program in collaboration 81808
with any counties in Ohio that are conducting MAT drug court 81809
programs. 81810

(3) In addition to conducting its program in accordance with 81811
division (B)(2) of this section, the Department may conduct its 81812
program in collaboration with any other court that is conducting a 81813
MAT drug court program. 81814

(C) In conducting its program, the Department shall 81815
collaborate with the Supreme Court, the Department of 81816
Rehabilitation and Correction, and any agency of the state that 81817
the Department of Mental Health and Addiction Services determines 81818
may be of assistance in accomplishing the objectives of the 81819
Department's program. The Department may collaborate with the 81820
boards of alcohol, drug addiction, and mental health services and 81821
with local law enforcement agencies that serve the counties in 81822
which a court participating in the Department's program is 81823
located. 81824

(D)(1) A MAT drug court program participating in the 81825
Department's program shall select the persons who are to be its 81826

participants for purposes of the Department's program. To be 81827
selected, a person must be a criminal offender, including an 81828
offender under a community control sanction, or be involved in a 81829
family drug or dependency court. A person shall not be selected to 81830
be a participant unless the person meets the legal and clinical 81831
eligibility criteria for the MAT drug court program and is an 81832
active participant in the MAT drug court program. 81833

(2) The total number of persons participating in the 81834
Department's program at any time shall not exceed one thousand 81835
five hundred, subject to available funding, except that the 81836
Department may authorize the maximum number to be exceeded in 81837
circumstances that the Department considers to be appropriate. 81838

(3) After a MAT drug court program enrolls a person as a 81839
participant for purposes of the Department's program, the 81840
participant shall comply with all requirements of the MAT drug 81841
court program. 81842

(E) The substance use disorder treatment and recovery 81843
supports provided under the Department's program in collaboration 81844
with a MAT drug court program shall be provided by a community 81845
addiction services provider. The provider shall do all of the 81846
following: 81847

(1) Provide treatment based on an integrated service delivery 81848
model that consists of the coordination of care between a 81849
prescriber and the community addiction services provider; 81850

(2) Conduct professional, comprehensive substance abuse and 81851
mental health diagnostic assessments of a person under 81852
consideration for selection as a program participant to determine 81853
whether the person would benefit from substance use disorder 81854
treatment and monitoring; 81855

(3) Determine, based on the assessment described in division 81856
(E)(2) of this section, the treatment needs of the program 81857

participants served by the community addiction services provider; 81858

(4) Develop, for program participants served by the community 81859
addiction services provider, individualized goals and objectives; 81860

(5) Provide access to the long-acting antagonist therapies, 81861
partial agonist therapies, or full agonist therapies, that are 81862
included in the program's medication-assisted treatment; 81863

(6) Provide other types of therapies, including psychosocial 81864
therapies, for both substance use disorder and any disorders that 81865
are considered by the community addiction services provider to be 81866
co-occurring disorders; 81867

(7) Monitor program compliance through the use of regular 81868
drug testing, including urinalysis, of the program participants 81869
served by the community addiction services provider; 81870

(8) Provide access to time-limited recovery supports that 81871
help eliminate barriers to treatment and are specific to the 81872
participant's needs, including assistance with housing, 81873
transportation, child care, job training, obtaining a driver's 81874
license or state identification card, and any other matter 81875
considered relevant by the provider. 81876

(F) In the case of medication-assisted treatment provided 81877
under the Department's program, all of the following conditions 81878
apply: 81879

(1) A drug may be used only if the drug has been approved by 81880
the United States Food and Drug Administration for use in treating 81881
dependence on opioids, alcohol, or both, or for preventing relapse 81882
into the use of opioids, alcohol, or both. 81883

(2) One or more drugs may be used, but each drug that is used 81884
must constitute long-acting antagonist therapy, partial agonist 81885
therapy, or full agonist therapy. 81886

(3) If a drug constituting partial or full agonist therapy is 81887

used, the program shall provide safeguards to minimize abuse and 81888
diversion of the drug, including such safeguards as routine drug 81889
testing of program participants. 81890

(G) It is anticipated and expected that MAT drug court 81891
programs will expand their ability to serve more drug court 81892
participants as a result of increased access to commercial or 81893
publicly funded health insurance. In order to ensure that funds 81894
appropriated to support the Department's program are used in the 81895
most efficient manner with a goal of enrolling the maximum number 81896
of participants, the Medicaid Director, in collaboration with 81897
major Ohio health care plans, shall develop plans consistent with 81898
this division. There shall be no prior authorizations or step 81899
therapy for medication-assisted treatment for program 81900
participants. The plans developed under this division shall ensure 81901
all of the following: 81902

(1) The development of an efficient and timely process for 81903
review of eligibility for health benefits for all persons selected 81904
to participate in the program; 81905

(2) A rapid conversion to reimbursement for all health care 81906
services by the participant's health care plan following approval 81907
for coverage of health care benefits; 81908

(3) The development of a consistent benefit package that 81909
provides ready access to and reimbursement for essential health 81910
care services including, but not limited to, primary health care 81911
services, alcohol and opioid detoxification services, appropriate 81912
psychosocial services, and medication for long-acting injectable 81913
antagonist therapies, partial agonist therapies, and full agonist 81914
therapies; 81915

(4) The development of guidelines that require the provision 81916
of all treatment services, including medication, with minimal 81917
administrative barriers and within a time frame that meets the 81918

requirements of individual patient care plans. 81919

(H) Of the foregoing appropriation item 336422, Criminal 81920
Justice Services, up to \$6,000,000 in each fiscal year shall be 81921
used to support substance use disorder treatment, including 81922
medication-assisted treatment and recovery supports for drug court 81923
specialized docket programs and to support the administrative 81924
expenses of courts and community addiction services providers 81925
participating in the program. 81926

Section 337.75. MEDICATION-ASSISTED TREATMENT DRUG 81927
REIMBURSEMENT PROGRAM 81928

Of the foregoing appropriation item 336422, Criminal Justice 81929
Services, \$2,000,000 in fiscal year 2020 and \$2,500,000 in fiscal 81930
year 2021 shall be used to support the Medication-Assisted 81931
Treatment Drug Reimbursement Program established in section 81932
5119.39 of the Revised Code. 81933

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 81934
CORRECTIONS 81935

Any business commenced but not completed by July 1, 2015, by 81936
the Department of Rehabilitation and Correction regarding recovery 81937
services shall be completed by the Department of Mental Health and 81938
Addiction Services. No validation, cure, right, privilege, remedy, 81939
obligation, or liability is lost or impaired by reason of the 81940
transfer required by this section and shall be administered by the 81941
Department of Mental Health and Addiction Services. Any rules, 81942
orders, and determinations pertaining to the Bureau of Recovery 81943
Services continue in effect as rules, orders, and determinations 81944
of the Department of Mental Health and Addiction Services until 81945
modified or rescinded by the Department of Mental Health and 81946
Addiction Services. If necessary to ensure the integrity of the 81947
numbering of the Administrative Code, the Director of the 81948

Legislative Service Commission shall renumber the numbers to 81949
reflect their transfer to the Department of Mental Health and 81950
Addiction Services. 81951

Subject to the lay-off provisions of sections 124.321 to 81952
124.382 of the Revised Code, all employees of the Bureau of 81953
Recovery Services are hereby transferred to the Department of 81954
Mental Health and Addiction Services and retain their positions 81955
and all of their benefits. 81956

Wherever the Bureau of Recovery Services is referred to in 81957
any law, contract, or other document, the reference shall be 81958
deemed to refer to the Department of Mental Health and Addiction 81959
Services or its director, as appropriate. 81960

Any business commenced but not completed under appropriation 81961
item 505321, Institution Medical Services, pertaining to the 81962
Bureau of Recovery Services, shall be completed under 81963
appropriation item 336423, Addiction Services Partnership with 81964
Corrections, in the same manner, and with the same effect, as if 81965
completed with regard to appropriation item 505321, Institution 81966
Medical Services. 81967

Section 337.90. RECOVERY HOUSING 81968

The foregoing appropriation item 336424, Recovery Housing, 81969
shall be used to expand and support access to recovery housing as 81970
defined in section 340.01 of the Revised Code and in accordance 81971
with section 340.034 of the Revised Code. For expenditures that 81972
are capital in nature, the Department of Mental Health and 81973
Addiction Services shall develop procedures to administer these 81974
funds in a manner that is consistent with current community 81975
capital assistance guidelines. 81976

Section 337.100. SPECIALIZED DOCKET SUPPORT 81977

(A) The foregoing appropriation item 336425, Specialized 81978

Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio final certification and include participants with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 337.110. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$750,000 in each fiscal year shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local

law enforcement, emergency personnel, and first responders are not 82042
making use of the naloxone grant funds, the county health 82043
department may use grant funding to provide naloxone through a 82044
Project DAWN program within the county. 82045

Of the foregoing appropriation item 336504, Community 82046
Innovations, up to \$600,000 in each fiscal year shall be allocated 82047
to the Heartland High School Demonstration Project to educate and 82048
graduate teens and youth recovering from substance use disorders. 82049

Of the foregoing appropriation item 336504, Community 82050
Innovations, \$2,500,000 in each fiscal year shall be allocated to 82051
the Psychotropic Drug Reimbursement Program established in section 82052
5119.19 of the Revised Code. On July 1, 2020, or as soon as 82053
possible thereafter, the Director of Mental Health and Addiction 82054
Services shall certify to the Director of Budget and Management 82055
the amount of the unexpended, unencumbered allocation for the 82056
program in fiscal year 2020. The amount certified is hereby 82057
reappropriated to appropriation item 336504, Community 82058
Innovations, in fiscal year 2021 for the same purpose. 82059

Section 337.120. RESIDENTIAL STATE SUPPLEMENT 82060

(A) The foregoing appropriation item 336510, Residential 82061
State Supplement, may be used by the Department of Mental Health 82062
and Addiction Services to provide training for residential 82063
facilities providing accommodations, supervision, and personal 82064
care services to three to sixteen unrelated adults with mental 82065
illness and to make payments to residential state supplement 82066
recipients. 82067

(B) The Department of Mental Health and Addiction Services 82068
shall adopt rules establishing eligibility criteria and payment 82069
amounts under section 5119.41 of the Revised Code. 82070

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 82071

CONSULTATION	82072
The foregoing appropriation item 336511, Early Childhood	82073
Mental Health Counselors and Consultation, shall be used to	82074
promote identification and intervention for early childhood mental	82075
health and to enhance healthy social emotional development in	82076
order to reduce preschool to third grade classroom expulsions.	82077
Funds shall be used by the Department of Mental Health and	82078
Addiction Services to support early childhood mental health	82079
credentialed counselors and consultation services, as well as	82080
administration and workforce development for the program.	82081
Section 337.140. MEDICAID SUPPORT	82082
The foregoing appropriation item 652321, Medicaid Support,	82083
shall be used to fund specified Medicaid Services as delegated by	82084
the state's single agency responsible for the Medicaid Program.	82085
Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS	82086
(A) The foregoing appropriation item 336600, Substance Abuse	82087
Stabilization Centers, shall be used to establish and administer,	82088
in collaboration with the other boards that serve the same state	82089
psychiatric hospital region, acute substance use disorder	82090
stabilization centers. There shall be one center located in each	82091
state psychiatric hospital region.	82092
(B) As used in this section, "state psychiatric hospital	82093
regions" means the six districts into which the Department of	82094
Mental Health and Addiction Services has divided the state	82095
pursuant to division (B)(2) of section 5119.14 of the Revised	82096
Code.	82097
Section 337.160. ADAMHS BOARDS	82098
(A) Of the foregoing appropriation item 336643, ADAMHS	82099

Boards, \$5,000,000 in each fiscal year shall be allocated as 82100
follows: 82101

(1) Each board shall receive \$50,000 in each fiscal year for 82102
each of the counties that are part of the board's district. 82103

(2) Each board shall receive a percentage of any remaining 82104
amount to be determined by a formula developed by the Director of 82105
Mental Health and Addiction Services using the population of the 82106
board's service district and the most recent drug overdose death 82107
information. 82108

(B) Of the foregoing appropriation item 336643, ADAMHS 82109
Boards, up to \$5,750,000 in each fiscal year shall be used to 82110
provide flexible resources to local communities to fund direct 82111
crisis stabilization and crisis prevention support. 82112

(C) Of the foregoing appropriation item 336643, ADAMHS 82113
Boards, up to \$9,250,000 in fiscal year 2020 shall be used to 82114
develop, evaluate, and expand crisis services infrastructure to 82115
provide support for adults, children, and families in a variety of 82116
settings. Any unexpended or unencumbered fund balance shall be 82117
used in fiscal year 2021 for the same purpose. 82118

(D) Of the foregoing appropriation item 336643, ADAMHS 82119
Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 82120
2021 shall be dedicated to a public-private partnership for a 82121
crisis stabilization center in Lorain County. 82122

Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION 82123

A portion of appropriation item 336629, Problem Gambling and 82124
Casino Addiction, shall be allocated to boards of alcohol, drug 82125
addiction, and mental health services in accordance with a 82126
distribution methodology determined by the Director of Mental 82127
Health and Addiction Services. 82128

Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING	82129
POOL	82130
A county family and children first council may establish and	82131
operate a flexible funding pool in order to assure access to	82132
needed services by families, children, and older adults in need of	82133
protective services. The operation of the flexible funding pools	82134
shall be subject to the following restrictions:	82135
(A) The county council shall establish and operate the	82136
flexible funding pool in accordance with formal guidance issued by	82137
the Family and Children First Cabinet Council;	82138
(B) The county council shall produce an annual report on its	82139
use of the pooled funds. The annual report shall conform to a	82140
format prescribed in the formal guidance issued by the Family and	82141
Children First Cabinet Council;	82142
(C) Unless otherwise restricted, funds transferred to the	82143
flexible funding pool may include state general revenues allocated	82144
to local entities to support the provision of services to families	82145
and children;	82146
(D) The amounts transferred to the flexible funding pool	82147
shall be limited to amounts that can be redirected without	82148
impairing the achievement of the objectives for which the initial	82149
allocation is designated; and	82150
(E) Each amount transferred to the flexible funding pool from	82151
a specific allocation shall be approved for transfer by the	82152
director of the local agency that was the original recipient of	82153
the allocation.	82154
Section 337.190. ACCESS SUCCESS II PROGRAM	82155
To the extent cash is available, the Director of Budget and	82156
Management may transfer cash from a fund designated by the	82157

Medicaid Director, to the Sale of Goods and Services Fund (Fund 82158
1490), used by the Department of Mental Health and Addiction 82159
Services. The transferred cash is hereby appropriated. 82160

The Department of Mental Health and Addiction Services shall 82161
use the transferred funds to administer the Access Success II 82162
Program to help non-Medicaid patients in any hospital established, 82163
controlled, or supervised by the Department under Chapter 5119. of 82164
the Revised Code to transition from inpatient status to a 82165
community setting. 82166

Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 82167
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 82168
FUND 82169

On a schedule determined by the Director of Budget and 82170
Management, the Director of Mental Health and Addiction Services 82171
shall certify to the Director of Budget and Management the amount 82172
of excess license reinstatement fees that are available pursuant 82173
to division (F)(2)(c) of section 4511.191 of the Revised Code to 82174
be transferred from the Indigent Drivers Alcohol Treatment Fund 82175
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 82176
4750). Upon certification, the Director of Budget and Management 82177
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 82178
to the Statewide Treatment and Prevention Fund. 82179

Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 82180

The foregoing appropriation item 336503, Cures Opioid State 82181
Targeted Response, shall be used pursuant to the goals and 82182
requirements of the State Targeted Response to the Opioid Crisis 82183
Grant provision in the federal "21st Century Cures Act," Public 82184
Law 114-255. 82185

Section 337.220. STATEWIDE TREATMENT AND PREVENTION 82186

The foregoing appropriation item 336623, Statewide Treatment and Prevention, shall be used as follows: up to \$5,000,000 in fiscal year 2020 to expand the number of individuals trained in mental health first aid and to expand the number of law enforcement trained in approved de-escalation techniques and approaches specific to people experiencing mental health crisis; and \$50,000 in each fiscal year to be distributed to Smart Recovery.

The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support.

Section 339.10. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund					82199	
GRF 149321	Operating Expenses	\$	721,681	\$	741,928	82200
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	82201
GRF 149503	Infant Mortality	\$	3,000,000	\$	3,000,000	82202
	Health Grants					
TOTAL GRF	General Revenue Fund	\$	4,574,287	\$	4,594,534	82203
	Dedicated Purpose Fund Group					82204
4C20 149601	Minority Health	\$	50,000	\$	50,000	82205
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	82206
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	4,624,287	\$	4,644,534	82207

Section 339.20. INFANT MORTALITY HEALTH GRANTS

Of the foregoing appropriation item 149503, Infant Mortality Health Grants, \$2,685,000 in each fiscal year shall be distributed to up to ten community-based agencies to support the continuation or establishment of a pathways community HUB model that has the primary purpose of reducing infant mortality in the urban and

rural communities with a targeted focus on disparities. The grant 82215
recipients shall, at least quarterly, submit performance data, 82216
evaluation data, and fiscal reports as specified by the Commission 82217
on Minority Health. 82218

Of the foregoing appropriation item 149503, Infant Mortality 82219
Health Grants, \$135,000 in each fiscal year shall be used to 82220
provide evaluation and review of the service delivery of grant 82221
recipients receiving funds from this appropriation item. The 82222
Commission on Minority Health shall contract with entities to 82223
provide statewide evaluation and technical assistance to analyze 82224
the performance data submitted to the Commission. These entities 82225
shall convene quarterly meetings with grant recipients, which may 82226
be held by telephone, video conference, or other means of 82227
electronic communication. The meetings shall include a discussion 82228
on performance data, continuous quality improvement practices, 82229
implementation lessons, participant feedback, barriers to pathways 82230
closure, certification status, contract achievement, and any other 82231
topics the evaluation entities and the Commission deem 82232
appropriate. 82233

The remainder of appropriation item 149503, Infant Mortality 82234
Health Grants, shall be used by the Commission on Minority Health 82235
for administrative costs. 82236

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 82237

Dedicated Purpose Fund Group 82238

4K90 865601 Operating Expenses \$ 623,948 \$ 636,389 82239

TOTAL DPF Dedicated Purpose Fund \$ 623,948 \$ 636,389 82240

Group

TOTAL ALL BUDGET FUND GROUPS \$ 623,948 \$ 636,389 82241

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 82243

General Revenue Fund 82244

GRF	725401	Division of Wildlife-Operating Subsidy	\$	1,773,000	\$	1,773,000	82245
GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	50,771,500	\$	57,556,700	82246
GRF	725456	Canal Lands	\$	130,950	\$	130,950	82247
GRF	725505	Healthy Lake Erie Program	\$	1,000,000	\$	1,000,000	82248
GRF	725507	Coal and Mine Safety Programs	\$	2,796,340	\$	2,796,340	82249
GRF	725520	Special Projects	\$	2,000,000	\$	0	82250
GRF	725903	Natural Resources General Obligation Bond Debt Service	\$	20,359,800	\$	20,420,700	82251
GRF	727321	Division of Forestry	\$	4,869,458	\$	4,965,023	82252
GRF	729321	Office of Information Technology	\$	181,478	\$	181,478	82253
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	82254
GRF	736321	Division of Engineering	\$	2,035,650	\$	2,035,650	82255
GRF	737321	Division of Water Resources	\$	1,689,455	\$	1,692,044	82256
GRF	738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322	82257
GRF	741321	Division of Natural Areas and Preserves	\$	2,744,428	\$	4,246,134	82258
TOTAL GRF		General Revenue Fund	\$	129,732,941	\$	134,631,850	82259
		Dedicated Purpose Fund Group					82260
2270	725406	Parks Projects Personnel	\$	1,629,465	\$	1,725,151	82261
4300	725671	Canal Lands	\$	927,128	\$	927,128	82262
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	82263

4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	82264
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	82265
5110	725646	Ohio Geological Mapping	\$	4,691,486	\$	4,799,989	82266
5110	725679	Geographic Information System Centralized Services	\$	516,979	\$	518,024	82267
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	82268
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	82269
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	82270
5180	725643	Oil and Gas Regulation and Safety	\$	25,079,252	\$	25,446,157	82271
5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	82272
5210	725627	Off-Road Vehicle Trails	\$	847,929	\$	851,587	82273
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	82274
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	82275
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	82276
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	82277
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	82278
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	82279
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	82280
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	82281
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	82282
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	82283

6970	725670	Submerged Lands	\$	717,155	\$	717,155	82284
6H20	725681	H2Ohio	\$	46,200,000	\$	0	82285
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	82286
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	82287
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	82288
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	82289
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	82290
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	82291
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	82292
8190	725685	Ohio River Management	\$	140,000	\$	140,000	82293
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	82294
TOTAL	DPF	Dedicated Purpose Fund Group	\$	296,518,554	\$	232,015,350	82295
Internal Service Activity Fund Group							82296
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	82297
1550	725676	Hocking Hills State Park Lodge	\$	13,000,000	\$	3,000,000	82298
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	82299
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	82300
2050	725696	Human Resource Direct Services	\$	2,855,404	\$	2,976,201	82301
2230	725665	Law Enforcement Administration	\$	3,292,343	\$	3,381,193	82302
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	82303
6350	725664	Fountain Square Facilities Management	\$	4,094,099	\$	4,170,445	82304

TOTAL ISA Internal Service Activity				82305
Fund Group	\$	37,331,153	\$ 26,578,124	82306
Capital Projects Fund Group				82307
7061 725405 Clean Ohio Trail	\$	301,796	\$ 301,796	82308
Operating				
TOTAL CPF Capital Projects Fund	\$	301,796	\$ 301,796	82309
Group				
Fiduciary Fund Group				82310
4M80 725675 FOP Contract	\$	18,799	\$ 20,219	82311
TOTAL FID Fiduciary Fund Group	\$	18,799	\$ 20,219	82312
Holding Account Fund Group				82313
R017 725659 Performance Cash Bond	\$	528,993	\$ 528,993	82314
Refunds				
R043 725624 Forestry	\$	2,400,000	\$ 2,400,000	82315
TOTAL HLD Holding Account				82316
Fund Group	\$	2,928,993	\$ 2,928,993	82317
Federal Fund Group				82318
3320 725669 Federal Mine Safety	\$	335,000	\$ 335,000	82319
Grant				
3B30 725640 Federal Forest	\$	350,000	\$ 350,000	82320
Pass-Thru				
3B40 725641 Federal Flood	\$	350,000	\$ 350,000	82321
Pass-Thru				
3B50 725645 Federal Abandoned	\$	21,242,787	\$ 8,046,252	82322
Mine Lands				
3B60 725653 Federal Land and	\$	949,168	\$ 952,256	82323
Water Conservation				
Grants				
3B70 725654 Reclamation -	\$	1,725,644	\$ 1,769,696	82324
Regulatory				
3P10 725632 Geological Survey -	\$	160,000	\$ 160,000	82325
Federal				

3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	82326
3P30	725650	Coastal Management - Federal	\$	2,791,277	\$	2,820,185	82327
3P40	725660	Federal - Soil and Water Resources	\$	231,732	\$	281,000	82328
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	900,000	\$	900,000	82329
3Z50	725657	Federal Recreation and Trails	\$	1,846,840	\$	1,852,034	82330
TOTAL FED	Federal Fund Group		\$	31,029,448	\$	17,963,423	82331
TOTAL ALL BUDGET FUND GROUPS			\$	497,861,684	\$	414,439,755	82332

Section 343.20. CENTRAL SUPPORT INDIRECT FUND 82334

The Department of Natural Resources, with approval of the 82335
 Director of Budget and Management, shall use a methodology for 82336
 determining each division's payments into the Central Support 82337
 Indirect Fund (Fund 1570). The methodology used shall contain the 82338
 characteristics of administrative ease and uniform application in 82339
 compliance with federal grant requirements. It may include direct 82340
 cost charges for specific services provided. Payments to Fund 1570 82341
 shall be made using an intrastate transfer voucher. 82342

The foregoing appropriation item 725401, Division of 82343
 Wildlife-Operating Subsidy, shall be used to pay the direct and 82344
 indirect costs of the Division of Wildlife. 82345

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 82346

The foregoing appropriation item 725413, Parks and 82347
 Recreational Facilities Lease Rental Bond Payments, shall be used 82348
 to meet all payments during the period from July 1, 2019, through 82349
 June 30, 2021, by the Department of Natural Resources pursuant to 82350
 leases and agreements made under section 154.22 of the Revised 82351
 Code. These appropriations are the source of funds pledged for 82352
 bond service charges on related obligations issued under Chapter 82353

154. of the Revised Code.	82354
HEALTHY LAKE ERIE PROGRAM	82355
The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.	82356 82357 82358 82359 82360 82361 82362 82363 82364 82365
COAL AND MINE SAFETY PROGRAMS	82366
The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.	82367 82368 82369
SPECIAL PROJECTS	82370
Of the foregoing appropriation item 725520, Special Projects, \$1,500,000 in fiscal year 2020 shall be used by the Director of Natural Resources in fiscal year 2020 to support the removal of low head dams in the Mahoning River.	82371 82372 82373 82374
Of the foregoing appropriation item 725520, Special Projects, \$500,000 in fiscal year 2020 shall be used by the Director of Natural Resources in fiscal year 2020 to prepare a feasibility study and implementation plan for the Mahoning River Trail Initiative.	82375 82376 82377 82378 82379
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	82380
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1,	82381 82382 82383

2019, through June 30, 2021, on obligations issued under sections 82384
151.01 and 151.05 of the Revised Code. 82385

Section 343.30. OIL AND GAS WELL PLUGGING 82386

The foregoing appropriation item 725677, Oil and Gas Well 82387
Plugging, shall be used exclusively for the purposes of plugging 82388
wells and to properly restore the land surface of idle and orphan 82389
oil and gas wells pursuant to section 1509.071 of the Revised 82390
Code. This appropriation item shall not be used for salaries, 82391
maintenance, equipment, or other administrative purposes, except 82392
for those costs directly attributable to the plugging of an idle 82393
or orphan well. This appropriation item shall not be used to 82394
transfer cash to any other fund or appropriation item. 82395

WELL LOG FILING FEES 82396

The Chief of the Division of Water Resources shall deposit 82397
fees forwarded to the Division pursuant to section 1521.05 of the 82398
Revised Code into the Water Management Fund (Fund 5160) for the 82399
purposes described in that section. 82400

PARKS CAPITAL EXPENSES FUND 82401

The Director of Natural Resources shall submit to the 82402
Director of Budget and Management the estimated design, 82403
engineering, and planning costs of capital-related work to be done 82404
by Department of Natural Resources staff for parks projects within 82405
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 82406
Director of Budget and Management approves the estimated costs, 82407
the Director may release appropriations from Fund 7035 82408
appropriation item C725E6, Project Planning, for those purposes. 82409
Upon release of the appropriations, the Department of Natural 82410
Resources shall pay for these expenses from the Parks Capital 82411
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 82412
reimbursed by Fund 7035 using an intrastate transfer voucher. 82413

NATUREWORKS CAPITAL EXPENSES FUND 82414

The Department of Natural Resources shall submit to the 82415
Director of Budget and Management the estimated design, planning, 82416
and engineering costs of capital-related work to be done by 82417
Department of Natural Resources staff for each capital improvement 82418
project within the Ohio Parks and Natural Resources Fund (Fund 82419
7031). If the Director of Budget and Management approves the 82420
estimated costs, the Director may release appropriations from Fund 82421
7031 appropriation item C725E5, Project Planning, for those 82422
purposes. Upon release of the appropriations, the Department of 82423
Natural Resources shall pay for these expenses from the Capital 82424
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 82425
reimbursed by Fund 7031 using an intrastate transfer voucher. 82426

PARK MAINTENANCE 82427

The foregoing appropriation item 725514, Park Maintenance, 82428
shall be used by the Department of Natural Resources to pay the 82429
costs of projects supported by the State Park Maintenance Fund 82430
(Fund 5TD0) under section 1501.08 of the Revised Code. 82431

On July 1 of each fiscal year or as soon as possible 82432
thereafter, the Director of Natural Resources shall certify the 82433
amount of five percent of the average of the previous five years 82434
of deposits in the State Park Fund (Fund 5120) to the Director of 82435
Budget and Management. The Director of Budget and Management may 82436
transfer up to \$1,600,000 from Fund 5120 to the State Park 82437
Maintenance Fund (Fund 5TD0). 82438

H2OHIO FUND 82439

The foregoing appropriation item 725681, H2Ohio, shall be 82440
used by the Department of Natural Resources to support, maintain, 82441
and create wetlands throughout the state including but not limited 82442
to coastal and upland wetlands in the Western Basin of Lake Erie. 82443
In addition, the foregoing appropriation item, 725681, H2Ohio, may 82444

be used to support improvement and protection of all waterways and 82445
to address water quality priorities including water protection and 82446
management in accordance with section 126.60 of the Revised Code. 82447

On July 1, 2020, or as soon as possible thereafter, the 82448
Director of Natural Resources may certify to the Director of 82449
Budget and Management an amount up to the unexpended, unencumbered 82450
balance of the foregoing appropriation item, 725681, H2Ohio, at 82451
the end of fiscal year 2020 to be reappropriated in fiscal year 82452
2021. The amount certified is hereby reappropriated to the same 82453
appropriation item for fiscal year 2021. 82454

Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE 82455
RECONSTRUCTION 82456

During fiscal years 2020 and 2021, the Director of Budget and 82457
Management may, in consultation with the Director of Natural 82458
Resources, transfer cash as necessary from the General Revenue 82459
Fund to the Departmental Services - Interstate Fund (Fund 1550) to 82460
pay costs for the reconstruction of the Hocking Hills Dining Lodge 82461
that will occur before final insurance settlement proceeds are 82462
deposited into Fund 1550. Once insurance proceeds have been 82463
deposited into Fund 1550, the Director of Budget and Management, 82464
in consultation with the Director of Natural Resources, shall 82465
establish a schedule for repaying the General Revenue Fund from 82466
Fund 1550. The Director of Budget and Management shall transfer 82467
cash from Fund 1550 to the General Revenue Fund according to the 82468
established schedule. 82469

HUMAN RESOURCES DIRECT SERVICES 82470

The foregoing appropriation item 725696, Human Resources 82471
Direct Services, shall be used to cover the cost of support, 82472
coordination, and oversight of the Department of Natural 82473
Resources' human resources functions. The Human Resources 82474
Chargeback Fund (Fund 2050) shall consist of cash transferred to 82475

it via intrastate transfer voucher from other funds as determined 82476
by the Director of Natural Resources and the Director of Budget 82477
and Management. 82478

LAW ENFORCEMENT ADMINISTRATION 82479

The foregoing appropriation item 725665, Law Enforcement 82480
Administration, shall be used to cover the cost of support, 82481
coordination, and oversight of the Department of Natural 82482
Resources' law enforcement functions. The Law Enforcement 82483
Administration Fund (Fund 2230) shall consist of cash transferred 82484
to it via intrastate transfer voucher from other funds as 82485
determined by the Director of Natural Resources and the Director 82486
of Budget and Management. 82487

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 82488

The foregoing appropriation item 725664, Fountain Square 82489
Facilities Management, shall be used for payment of expenses 82490
related to the security of the Fountain Square complex and for the 82491
repairs, renovation, utilities, property management, and building 82492
maintenance expenses for the Fountain Square complex and the 82493
Department of Natural Resources grounds at the Ohio Expo Center. 82494
Cash transferred by intrastate transfer vouchers from various 82495
department funds and rental income received by the Department of 82496
Natural Resources shall be deposited into the Fountain Square 82497
Facilities Management Fund (Fund 6350). 82498

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 82499

The foregoing appropriation item 725405, Clean Ohio Trail 82500
Operating, shall be used by the Department of Natural Resources in 82501
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 82502
to section 1519.05 of the Revised Code. 82503

Section 345.10. NUR STATE BOARD OF NURSING 82504

Dedicated Purpose Fund Group					82505	
4K90 884609	Operating Expenses	\$	9,842,225	\$	10,285,032	82506
5AC0 884602	Nurse Education Grant	\$	1,518,000	\$	1,518,000	82507
	Program					
5P80 884601	Nursing Special	\$	2,000	\$	2,000	82508
	Issues					
TOTAL DPF Dedicated Purpose						82509
Fund Group		\$	11,362,225	\$	11,805,032	82510
TOTAL ALL BUDGET FUND GROUPS		\$	11,362,225	\$	11,805,032	82511

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 82513
AND ATHLETIC TRAINERS BOARD 82514

Dedicated Purpose Fund Group					82515	
4K90 890609	Operating Expenses	\$	1,137,397	\$	1,168,045	82516
TOTAL DPF Dedicated Purpose Fund		\$	1,137,397	\$	1,168,045	82517
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,137,397	\$	1,168,045	82518

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH 82520
DISABILITIES AGENCY 82521

General Revenue Fund					82522	
GRF 415402	Independent Living	\$	252,000	\$	252,000	82523
	Council					
GRF 415406	Assistive Technology	\$	25,819	\$	25,819	82524
GRF 415431	Brain Injury	\$	126,567	\$	126,567	82525
GRF 415506	Services for	\$	16,999,344	\$	18,418,244	82526
	Individuals with					
	Disabilities					
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580	82527
GRF 415511	Centers for	\$	450,000	\$	450,000	82528
	Independent Living					
GRF 415512	Visually Impaired	\$	50,000	\$	50,000	82529

Reading Services			
TOTAL GRF General Revenue Fund	\$	17,931,310	\$ 19,350,210 82530
Dedicated Purpose Fund Group			82531
4670 415609 Business Enterprise	\$	1,543,616	\$ 1,555,368 82532
Operating Expenses			
4680 415618 Third Party Services	\$	8,500,000	\$ 8,750,000 82533
Funding			
4L10 415619 Services for	\$	3,000,000	\$ 3,000,000 82534
Rehabilitation			
TOTAL DPF Dedicated Purpose			82535
Fund Group	\$	13,043,616	\$ 13,305,368 82536
Internal Service Activity Fund Group			82537
4W50 415606 Program Management	\$	15,192,965	\$ 15,906,145 82538
TOTAL ISA Internal Service Activity			82539
Fund Group	\$	15,192,965	\$ 15,906,145 82540
Federal Fund Group			82541
3170 415620 Disability	\$	81,399,100	\$ 82,932,645 82542
Determination			
3790 415616 Federal - Vocational	\$	121,788,087	\$ 130,495,615 82543
Rehabilitation			
3GH0 415602 Personal Care	\$	3,130,220	\$ 3,139,040 82544
Assistance			
3GH0 415604 Community Centers for	\$	1,022,000	\$ 1,022,000 82545
the Deaf			
3GH0 415613 Independent Living	\$	662,411	\$ 662,411 82546
3L10 415608 Social Security	\$	10,500,000	\$ 10,500,000 82547
Vocational			
Rehabilitation			
3L40 415615 Federal - Supported	\$	850,000	\$ 850,000 82548
Employment			
3L40 415617 Independent Living	\$	2,584,136	\$ 1,808,721 82549
Older Blind			

TOTAL FED Federal Fund Group	\$	221,935,954	\$	231,410,432	82550
TOTAL ALL BUDGET FUND GROUPS	\$	268,103,845	\$	279,972,155	82551

Section 353.20. INDEPENDENT LIVING 82553

The foregoing appropriation item 415402, Independent Living 82554
Council, shall be used to support the state independent living 82555
programs and centers under Title VII of the Independent Living 82556
Services and Centers for Independent Living of the Rehabilitation 82557
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 82558

Of the foregoing appropriation item 415402, Independent 82559
Living Council, \$67,662 in each fiscal year shall be used as state 82560
matching funds for vocational rehabilitation innovation and 82561
expansion activities. 82562

The foregoing appropriation item 415511, Centers for 82563
Independent Living, shall be used to support the operations of the 82564
Centers for Independent Living in accordance with the State Plan 82565
for Independent Living. 82566

ASSISTIVE TECHNOLOGY 82567

The foregoing appropriation item 415406, Assistive 82568
Technology, shall be provided to Assistive Technology of Ohio to 82569
provide grants and assistive technology services for people with 82570
disabilities in the State of Ohio. 82571

BRAIN INJURY 82572

The foregoing appropriation item 415431, Brain Injury, shall 82573
be provided to The Ohio State University College of Medicine to 82574
support the Brain Injury Program established under section 3335.60 82575
of the Revised Code. 82576

SERVICES FOR INDIVIDUALS WITH DISABILITIES 82577

Of the foregoing appropriation item 415506, Services for 82578
Individuals with Disabilities, \$654,975 in fiscal year 2020 and 82579
\$1,309,050 in fiscal year 2021 shall be used as state match for 82580

the federal vocational rehabilitation grant and used to create 82581
partnerships with certified drug courts to expand access to 82582
employment through vocational rehabilitation services and increase 82583
employment outcomes that promote recovery and rehabilitation. 82584

Of the foregoing appropriation item 415506, Services for 82585
Individuals with Disabilities, \$603,643 in fiscal year 2020 and 82586
\$1,207,285 in fiscal year 2021 shall be used as state match for 82587
the federal vocational rehabilitation grant and used to create 82588
partnerships with community colleges and state universities to 82589
ensure college students with disabilities can compete for 82590
in-demand jobs in tomorrow's labor market and increase the median 82591
earnings of individuals who obtain employment. 82592

Of the foregoing appropriation item 415506, Services for 82593
Individuals with Disabilities, \$85,733 in fiscal year 2020 and 82594
\$171,465 in fiscal year 2021 shall be used as state match for the 82595
federal vocational rehabilitation grant and used to create paid 82596
on-the-job work experiences for eligible candidates placed in 82597
state agencies to develop work skills needed to pursue permanent 82598
employment and increase the number of individuals with 82599
disabilities employed in state government. 82600

Of the foregoing appropriation item 415506, Services for 82601
Individuals with Disabilities, \$150,000 in each fiscal year shall 82602
be used as state match for the federal vocational rehabilitation 82603
grant and used to increase access to vocational rehabilitation 82604
services for eligible students enrolled at the Ohio State School 82605
for the Blind and the Ohio School for the Deaf that will prepare 82606
students who are blind or deaf for transition to college or 82607
employment. 82608

SERVICES FOR THE DEAF 82609

The foregoing appropriation item 415508, Services for the 82610
Deaf, shall be used to support community centers for the deaf. 82611

VISUALLY IMPAIRED READING SERVICES					82612
The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.					82613 82614 82615
SIGHT CENTERS					82616
Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach and referral development to the community of individuals with blindness or low vision.					82617 82618 82619 82620 82621 82622 82623
Section 361.10. PEN PENSION SUBSIDIES					82624
General Revenue Fund					82625
GRF 090524 Police and Fire Disability Pension Fund	\$	2,000	\$	2,000	82626
GRF 090534 Police and Fire Ad Hoc Cost of Living	\$	31,000	\$	31,000	82627
GRF 090554 Police and Fire Survivor Benefits	\$	270,000	\$	270,000	82628
GRF 090575 Police and Fire Death Benefits	\$	34,400,000	\$	34,750,000	82629
TOTAL GRF General Revenue Fund	\$	34,703,000	\$	35,053,000	82630
TOTAL ALL BUDGET FUND GROUPS	\$	34,703,000	\$	35,053,000	82631
POLICE AND FIRE DEATH BENEFIT FUND					82632
The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which					82633 82634 82635 82636

serves as trustees of the Ohio Public Safety Officers Death 82637
Benefit Fund pursuant to section 742.62 of the Revised Code. The 82638
Treasurer of State shall certify such amounts quarterly to the 82639
Director of Budget and Management. By the twentieth day of June of 82640
each fiscal year, the Board of Trustees shall certify to the 82641
Treasurer of State the amount disbursed in the current fiscal year 82642
to make the payments required by sections 124.824 and 742.63 of 82643
the Revised Code and shall return to the Treasurer of State moneys 82644
received from this appropriation item but not disbursed. 82645

Notwithstanding any provision of section 124.824 of the 82646
Revised Code to the contrary, for each death benefit fund 82647
recipient who participates in health, medical, hospital, dental, 82648
surgical, or vision benefits under section 124.824 of the Revised 82649
Code, the Board of Trustees of the Ohio Police and Fire Pension 82650
Fund shall forward as a pass-through from the revenue received 82651
from the foregoing appropriation item 090575, Police and Fire 82652
Death Benefits, the percentage of the cost for the applicable 82653
benefits that would be paid by a state employer for a state 82654
employee who elects that coverage and any applicable 82655
administrative costs, which shall not exceed two per cent of the 82656
total cost of the benefits. The Board of Trustees shall also 82657
withhold from the benefits paid to a death benefit fund recipient 82658
under section 742.63 of the Revised Code the percentage of the 82659
cost for such benefits that would be paid by a state employee, and 82660
forward the withheld amounts to the Department of Administrative 82661
Services from the revenue received from the foregoing 82662
appropriation item 090575, Police and Fire Death Benefits. 82663

In fiscal year 2020 or 2021, if it is determined by the 82664
Director of Administrative Services, in consultation with the 82665
Chairperson of the Board of Trustees of the Ohio Police and Fire 82666
Pension Fund, or designee, that additional amounts are necessary 82667
to pay the cost of providing benefits under section 124.824 or 82668

742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK				82673
RELEASE COMPENSATION BOARD				82674
Dedicated Purpose Fund Group				82675
6910 810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$ 1,410,740	\$ 1,469,195	82676
TOTAL DPF Dedicated Purpose Fund Group		\$ 1,410,740	\$ 1,469,195	82677
TOTAL ALL BUDGET FUND GROUPS		\$ 1,410,740	\$ 1,469,195	82678

Section 367.10. PRX STATE BOARD OF PHARMACY				82680
Dedicated Purpose Fund Group				82681
4A50 887605	Drug Law Enforcement	\$ 150,000	\$ 150,000	82682
4K90 658605	OARRS Integration - STATE	\$ 253,264	\$ 255,000	82683
4K90 887609	Operating Expenses	\$ 10,220,383	\$ 10,646,387	82684
5SG0 887612	Drug Database	\$ 664,369	\$ 670,000	82685
5SY0 887613	Medical Marijuana Control Program	\$ 3,084,072	\$ 2,500,200	82686
TOTAL DPF Dedicated Purpose Fund Group		\$ 14,372,088	\$ 14,221,587	82687
Federal Fund Group				82688
3HD0 887614	Pharmacy Federal Grants	\$ 612,433	\$ 531,000	82689
3HH0 658601	OARRS Integration - FED	\$ 2,363,583	\$ 2,384,000	82690

TOTAL FED Federal Fund Group	\$	2,976,016	\$	2,915,000	82691
TOTAL ALL BUDGET FUND GROUPS	\$	17,348,104	\$	17,136,587	82692

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 82694

Dedicated Purpose Fund Group					82695
4K90 882609 Operating Expenses	\$	665,390	\$	696,615	82696
TOTAL DPF Dedicated Purpose					82697
Fund Group	\$	665,390	\$	696,615	82698
TOTAL ALL BUDGET FUND GROUPS	\$	665,390	\$	696,615	82699

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 82701

General Revenue Fund					82702
GRF 019401 State Legal Defense	\$	5,659,317	\$	6,534,523	82703
Services					
GRF 019403 Multi-County: State	\$	3,607,498	\$	4,644,553	82704
Share					
GRF 019404 Trumbull County -	\$	1,349,330	\$	2,036,064	82705
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	82706
GRF 019501 County Reimbursement	\$	89,020,000	\$	125,000,000	82707
TOTAL GRF General Revenue Fund	\$	99,686,145	\$	138,265,240	82708
Dedicated Purpose Fund Group					82709
1010 019607 Juvenile Legal	\$	204,756	\$	204,756	82710
Assistance					
4060 019603 Training and	\$	25,000	\$	25,000	82711
Publications					
4070 019604 County Representation	\$	280,407	\$	285,000	82712
4080 019605 Client Payments	\$	715,831	\$	737,389	82713
4C70 019601 Multi-County: County	\$	1,352,812	\$	0	82714
Share					
4N90 019613 Gifts and Grants	\$	19,440	\$	19,440	82715
4X70 019610 Trumbull County -	\$	505,999	\$	0	82716

		County Share				
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000 82717
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904 82718
5DY0	019618	Indigent Defense	\$	31,872,000	\$	31,872,000 82719
		Support - County Share				
5DY0	019619	Indigent Defense	\$	7,113,482	\$	7,216,852 82720
		Support - State Office				
TOTAL DPF	Dedicated Purpose					82721
Fund Group		\$	67,713,152	\$	66,003,341	82722
Federal Fund Group						82723
3S80	019608	Federal	\$	38,315	\$	38,315 82724
		Representation				
TOTAL FED	Federal Fund Group	\$	38,315	\$	38,315	82725
TOTAL ALL BUDGET FUND GROUPS		\$	167,437,612	\$	204,306,896	82726
		INSUFFICIENT OPERATING EXPENSES FUNDING				82727
		If it is determined by the State Public Defender that the				82728
		amounts appropriated to fund the operating expenses of the Public				82729
		Defender Commission are insufficient in either fiscal year 2020 or				82730
		fiscal year 2021, the Director of Budget and Management, upon				82731
		written request of the State Public Defender, may approve for the				82732
		applicable fiscal year an appropriation transfer of up to \$100,000				82733
		from appropriation item 019501, County Reimbursement, to				82734
		appropriation item 019401, State Legal Defense Services, for the				82735
		purpose of funding the operating expenses of the Public Defender				82736
		Commission.				82737
		INDIGENT DEFENSE OFFICE				82738
		The foregoing appropriation items 019404, Trumbull County -				82739
		State Share, and 019610, Trumbull County - County Share, shall be				82740
		used to support an indigent defense office for Trumbull County.				82741

MULTI-COUNTY OFFICE 82742

The foregoing appropriation items 019403, Multi-County: State 82743
Share, and 019601, Multi-County: County Share, shall be used to 82744
support the Office of the Ohio Public Defender's Multi-County 82745
Branch Office Program. 82746

TRAINING ACCOUNT 82747

The foregoing appropriation item 019405, Training Account, 82748
shall be used by the Ohio Public Defender to provide legal 82749
training programs at no cost for private appointed counsel who 82750
represents at least one indigent defendant at no cost, state and 82751
county public defenders, and attorneys who contract with the Ohio 82752
Public Defender to provide indigent defense services. 82753

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 82754
FUND 82755

On July 1 of each fiscal year, or as soon as possible 82756
thereafter, the Director of Budget and Management shall transfer 82757
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund 82758
(Fund 5740). The transferred cash shall be distributed by the Ohio 82759
Access to Justice Foundation to Ohio's civil legal aid societies 82760
as follows: \$250,000 in each fiscal year for the sole purpose of 82761
providing legal services for economically disadvantaged 82762
individuals and families seeking assistance with legal issues 82763
arising as a result of substance abuse disorders, and \$250,000 in 82764
each fiscal year for the sole purpose of providing legal services 82765
for veterans. None of the funds shall be used for administrative 82766
costs, including, but not limited to, salaries, benefits, or 82767
travel reimbursements. 82768

FEDERAL REPRESENTATION 82769

The foregoing appropriation item 019608, Federal 82770
Representation, shall be used to support representation provided 82771
by the Ohio Public Defender in federal court cases. 82772

	Section 373.10.	DPS DEPARTMENT OF PUBLIC SAFETY				82773
	General Revenue Fund					82774
GRF	761403	Recovery Ohio Law Enforcement	\$	9,750,000	\$ 9,750,000	82775
GRF	761404	Drug Testing Equipment	\$	140,000	\$ 0	82776
GRF	763403	EMA Operating	\$	5,099,118	\$ 5,320,000	82777
GRF	763513	Security Grants	\$	3,000,000	\$ 3,000,000	82778
GRF	763514	Security Grants - Personnel	\$	1,250,000	\$ 1,250,000	82779
GRF	767420	Investigative Unit Operating	\$	13,776,113	\$ 14,175,500	82780
GRF	768425	Justice Program Services	\$	2,061,162	\$ 2,084,200	82781
GRF	769406	Homeland Security - Operating	\$	3,140,706	\$ 3,228,200	82782
GRF	769407	Youthful Driver Safety	\$	500,000	\$ 500,000	82783
GRF	769501	School Safety	\$	300,000	\$ 300,000	82784
TOTAL GRF	General Revenue Fund		\$	39,017,099	\$ 39,607,900	82785
	Dedicated Purpose Fund Group					82786
4P60	768601	Justice Program Services	\$	220,000	\$ 226,500	82787
4V30	763662	EMA Service and Reimbursements	\$	751,000	\$ 751,000	82788
5B90	766632	Private Investigator and Security Guard Provider	\$	1,986,152	\$ 2,035,000	82789
5BK0	768687	Criminal Justice Services - Operating	\$	533,771	\$ 550,000	82790
5BK0	768689	Family Violence	\$	1,550,000	\$ 1,550,000	82791

		Shelter Programs					
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000	82792
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946	82793
		Services Law					
		Enforcement Support					
5ML0	769635	Infrastructure	\$	80,000	\$	80,000	82794
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	82795
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000	82796
		Relations					
5TJ0	763603	Security Grants	\$	470,000	\$	0	82797
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	82798
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	82799
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624	82800
		Safety					
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629	82801
		Planning					
TOTAL	DPF	Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699	82802
		Group					
		Federal Fund Group					82803
3370	763609	Federal Disaster	\$	69,779,199	\$	69,948,672	82804
		Relief					
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000	82805
		Unit Justice					
		Contraband					
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000	82806
		Grants - FFY15					
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000	82807
		Federal Equity Share					

3GU0 769610	Investigations Grants	\$	1,400,000	\$	1,400,000	82808
	- Food Stamps, Liquor and Tobacco Laws					
3GU0 769631	Homeland Security	\$	800,000	\$	800,000	82809
	Disaster Grants					
3L50 768604	Justice Program	\$	12,600,000	\$	12,600,000	82810
TOTAL FED	Federal Fund Group	\$	97,209,199	\$	97,378,672	82811
TOTAL ALL BUDGET FUND GROUPS		\$	155,679,865	\$	155,622,271	82812

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 82814

Of the foregoing appropriation item 761403, Recovery Ohio Law 82815
 Enforcement, up to \$3,400,000 in each fiscal year may be used by 82816
 the Office of Criminal Justice Services to provide funding to 82817
 local law enforcement agencies to create narcotics task forces 82818
 that will focus on cartel trafficking interdiction. The 82819
 interdiction task forces shall be designated Ohio Organized Crime 82820
 Commission task forces subject to approval and supervision of the 82821
 Commission. 82822

Of the foregoing appropriation item 761403, Recovery Ohio Law 82823
 Enforcement, up to \$3,250,000 in each fiscal year may be used to 82824
 establish a highly specialized Narcotics Intelligence Center 82825
 consisting of personnel assigned to intelligence and computer 82826
 forensic analysis that will assist Ohio narcotics task forces. 82827

Of the foregoing appropriation item 761403, Recovery Ohio Law 82828
 Enforcement, up to \$2,500,000 in each fiscal year may be used by 82829
 the Office of Criminal Justice Services to provide funding to 82830
 Ohio's narcotics task forces to build new and strengthen existing 82831
 partnerships with local law enforcement. 82832

Of the foregoing appropriation item 761403, Recovery Ohio Law 82833
 Enforcement, up to \$600,000 in each fiscal year may be used to 82834
 partner with the Office of Information Technology in the 82835
 Department of Administrative Services to develop, enhance, and 82836

maintain a uniform records management and data intelligence system	82837
for narcotics task forces.	82838
DRUG TESTING EQUIPMENT	82839
The foregoing appropriation item 761404, Drug Testing	82840
Equipment, shall be used by the Ohio State Highway Patrol to	82841
purchase drug testing equipment for the purpose of determining the	82842
level of THC in marijuana or hemp.	82843
JUSTICE PROGRAM SERVICES	82844
Of the foregoing appropriation item 768425, Justice Program	82845
Services, up to \$1,000,000 in each fiscal year shall be used by	82846
the Department of Public Safety to distribute grants to state	82847
and/or local law enforcement to conduct investigations on sexual	82848
assault kit testing results and related expenses.	82849
YOUTHFUL DRIVER SAFETY	82850
The foregoing appropriation item 769407, Youthful Driver	82851
Safety, shall be used to enhance driver training for a statewide	82852
youthful driver safety program. The program will use best	82853
practices and technology to focus on behind-the-wheel driver	82854
training for drivers aged sixteen to twenty-four in order to	82855
reduce the number of at-fault youthful fatal car crashes.	82856
SCHOOL SAFETY	82857
The foregoing appropriation item 769501, School Safety, shall	82858
be used by the Department of Public Safety to pay for the costs of	82859
the Ohio Homeland Security Safer Schools Tipline, promotional	82860
materials to enhance awareness of the Tipline, and analytic tools	82861
to proactively alert local officials to school security threats.	82862
LOCAL DISASTER ASSISTANCE	82863
Appropriation item 763511, Local Disaster Assistance, shall	82864
be used to assist eligible local governments in meeting the match	82865
requirement necessary to utilize federal disaster assistance funds	82866

released as a result of the Major Disaster Declaration issued by the President of the United States on April 17, 2018.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2019 is hereby reappropriated for the same purpose for fiscal year 2020.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash or appropriations from

Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2020 and 2021, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a

database on use of force and officer involved shootings, a public 82927
awareness campaign, and state-provided assistance with 82928
policy-making and manuals. 82929

SARA TITLE III HAZMAT PLANNING 82930

The SARA Title III Hazmat Planning Fund (Fund 6810) is 82931
entitled to receive grant funds from the Emergency Response 82932
Commission to implement the Emergency Management Agency's 82933
responsibilities under Chapter 3750. of the Revised Code. 82934

SECURITY GRANTS 82935

(A) The foregoing appropriation items 763513, Security 82936
Grants, and 763603, Security Grants, shall be used to make 82937
competitive grants of up to \$100,000 to nonprofit organizations 82938
for eligible security improvements that assist the organization in 82939
preventing, preparing for, or responding to acts of terrorism. 82940

(B)(1) The foregoing appropriation item 763514, Security 82941
Grants - Personnel, shall be used to make competitive grants to 82942
nonprofit organizations, houses of worship, chartered nonpublic 82943
schools, and licensed preschools to acquire the services of a 82944
resource officer, special duty police officer, or licensed armed 82945
security guards or the purchase of qualified equipment, including 82946
equipment for emergency and crisis communication, crisis 82947
management, or trauma and crisis response to assist in preventing, 82948
preparing for, or responding to acts of terrorism. 82949

(2) Grants awarded under division (B)(1) of this section 82950
shall not exceed \$100,000 per resource officer per building or not 82951
more than \$25,000 for the purchase of qualified equipment. 82952

(3) Each recipient of a grant under division (B) of this 82953
section shall provide a matching contribution at a ratio of one to 82954
one. The matching contribution may come from any lawful non-state 82955
source, including federal and local government entities, law 82956
enforcement organizations, or the private sector. Notwithstanding 82957

any provision of law to the contrary, a state or local law 82958
enforcement agency may provide asset forfeiture or similar funds 82959
for use as a recipient's local matching contribution. If an 82960
applicant for a grant is unable to provide a sufficient matching 82961
contribution, the applicant may, in its grant application, submit 82962
a written request for a waiver of the local matching contribution 82963
requirement. As part of an applicant's request for a waiver, the 82964
applicant shall explain why the waiver is necessary. The Ohio 82965
Emergency Management Agency may grant a waiver only for good cause 82966
in accordance with the procedures it establishes. 82967

(C) The Emergency Management Agency shall administer and 82968
award the grants described in divisions (A) and (B) of this 82969
section. The Agency shall establish procedures and forms by which 82970
applicants may apply for a grant, a competitive process for 82971
ranking applicants and awarding the grants, and procedures for 82972
distributing grants to recipients. The procedures shall require 82973
each applicant to do all of the following: 82974

(1) Identify and substantiate prior threats or attacks by a 82975
terrorist organization, network, or cell against the nonprofit 82976
organization, house of worship, chartered nonpublic school, or 82977
licensed preschool; 82978

(2) Indicate the symbolic or strategic value of one or more 82979
sites that renders the site a possible target of terrorism; 82980

(3) Discuss potential consequences to the organization if the 82981
site is damaged, destroyed, or disrupted by a terrorist; 82982

(4) Describe how the grant will be used to integrate 82983
organizational preparedness with broader state and local 82984
preparedness efforts; 82985

(5) Submit either a vulnerability assessment conducted by 82986
experienced security, law enforcement, or military personnel, or a 82987
credible intelligence and threat analysis from one or more 82988

qualified homeland security, counterintelligence, or 82989
anti-terrorism experts, and a description of how the grant will be 82990
used to address the vulnerabilities identified in the assessment. 82991

The Agency shall consider all of the above factors in 82992
evaluating grant applications. 82993

(D) Any grant submission described in division (I) of section 82994
3313.536 of the Revised Code or section 149.433 of the Revised 82995
Code is not a public record under section 149.43 of the Revised 82996
Code and is not subject to mandatory release or disclosure under 82997
that section. 82998

(E) The Emergency Management Agency may use up to two and 82999
one-half per cent of the total amount appropriated to administer 83000
the program, a portion of which may be used to pay costs incurred 83001
by the Department of Public Safety to provide security-related or 83002
specialized assistance in reviewing vulnerability assessments and 83003
prioritizing grant applications. 83004

(F) As used in this section: 83005

(1) "Eligible security improvements" means any of the 83006
following: 83007

(a) Physical security enhancement equipment or inspection and 83008
screening equipment included on the Authorized Equipment List 83009
published by the United States Department of Homeland Security; 83010

(b) Attendance fees and associated materials, supplies, and 83011
equipment costs for security-related training courses and programs 83012
regarding the protection of critical infrastructure and key 83013
resources, physical and cyber security, target hardening, or 83014
terrorism awareness or preparedness. Personnel and travel costs 83015
associated with training shall not be considered an eligible 83016
expense of the grant. 83017

(2) "Nonprofit organization" means a corporation, 83018

association, group, institution, society, or other organization 83019
that is exempt from federal income taxation under section 83020
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 83021
26 U.S.C. 501(c)(3), as amended. 83022

(3) "Resource officer" means any law enforcement officer of 83023
an accredited local law enforcement agency providing special duty 83024
services in a school setting to create or maintain a safe, secure, 83025
and orderly environment. A resource officer may include a special 83026
duty police officer, off-duty police officer, deputy sheriff, or 83027
other peace officer of the applicable local law enforcement agency 83028
in which the chartered nonpublic school or licensed preschool is 83029
located or qualifying personnel of an accredited local law 83030
enforcement agency for any jurisdiction in this state. 83031

(4) "Terrorism" means any act taken by a group or individual 83032
used to intimidate or coerce a nonprofit organization, house of 83033
worship, chartered nonpublic school, or licensed preschool, its 83034
employees, and anyone who is or in the future may be associated 83035
with it, as well as their families; to influence the policy of the 83036
nonprofit organization, house of worship, chartered nonpublic 83037
school, or licensed preschool; and to affect the conduct of the 83038
nonprofit organization, house of worship, chartered nonpublic 83039
school, or licensed preschool. 83040

(G) An amount equal to the unexpended, unencumbered balance 83041
of the foregoing appropriation item 763603, Security Grants, at 83042
the end of fiscal year 2020 is hereby reappropriated for the same 83043
purpose in fiscal year 2021. 83044

(H) An amount equal to the unexpended, unencumbered balance 83045
of the foregoing appropriation item 763514, Security Grants - 83046
Personnel, at the end of fiscal year 2020 is hereby reappropriated 83047
for the same purpose in fiscal year 2021. 83048

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 83049

Dedicated Purpose Fund Group				83050
4A30	870614	Grade Crossing	\$ 1,196,662 \$	1,200,000 83051
		Protection		
		Devices-State		
4L80	870617	Pipeline Safety-State	\$ 346,253 \$	346,253 83052
5610	870606	Power Siting Board	\$ 1,095,185 \$	1,095,185 83053
5F60	870622	Utility and Railroad	\$ 34,582,560 \$	35,415,760 83054
		Regulation		
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$	85,000 83055
5LT0	870640	Intrastate	\$ 195,000 \$	195,000 83056
		Registration		
5LT0	870641	Unified Carrier	\$ 450,000 \$	450,000 83057
		Registration		
5LT0	870643	Non-hazardous	\$ 299,942 \$	299,942 83058
		Materials Civil		
		Forfeiture		
5LT0	870644	Hazardous Materials	\$ 800,000 \$	800,000 83059
		Civil Forfeiture		
5LT0	870645	Motor Carrier	\$ 4,681,427 \$	4,719,696 83060
		Enforcement		
5Q50	870626	Telecommunications	\$ 3,000,000 \$	3,000,000 83061
		Relay Service		
5QR0	870646	Underground Facilities	\$ 50,000 \$	50,000 83062
		Protection		
5QS0	870647	Underground Facilities	\$ 316,000 \$	316,000 83063
		Administration		
TOTAL DPF Dedicated Purpose Fund				\$ 47,098,029 \$ 47,972,836 83064
Group				
Federal Fund Group				83065
3330	870601	Gas Pipeline Safety	\$ 1,397,959 \$	1,397,959 83066
3500	870608	Motor Carrier Safety	\$ 10,058,083 \$	10,058,083 83067
3500	870648	Motor Carrier	\$ 450,000 \$	450,000 83068

		Administration High Priority Activities Grants and Cooperative Agreements				
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000 83069
TOTAL FED	Federal Fund Group		\$	12,006,042	\$	12,006,042 83070
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878 83071
Section 377.10. PWC PUBLIC WORKS COMMISSION						83073
General Revenue Fund						83074
GRF	150904	Conservation General Obligation Bond Debt Service	\$	44,218,800	\$	44,394,800 83075
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	229,338,800	\$	231,754,500 83076
TOTAL GRF	General Revenue Fund		\$	273,557,600	\$	276,149,300 83077
Capital Projects Fund Group						83078
7038	150321	State Capital Improvements Program - Operating Expenses	\$	1,085,834	\$	895,864 83079
7056	150403	Clean Ohio Conservation Operating	\$	364,345	\$	301,022 83080
TOTAL CPF	Capital Projects Fund Group		\$	1,450,179	\$	1,196,886 83081
TOTAL ALL BUDGET FUND GROUPS			\$	275,007,779	\$	277,346,186 83082
Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT						83084

SERVICE	83085
The foregoing appropriation item 150904, Conservation General	83086
Obligation Bond Debt Service, shall be used to pay all debt	83087
service and related financing costs during the period from July 1,	83088
2019, through June 30, 2021, on obligations issued under sections	83089
151.01 and 151.09 of the Revised Code.	83090
INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	83091
SERVICE	83092
The foregoing appropriation item 150907, Infrastructure	83093
Improvement General Obligation Bond Debt Service, shall be used to	83094
pay all debt service and related financing costs during the period	83095
from July 1, 2019, through June 30, 2021, on obligations issued	83096
under sections 151.01 and 151.08 of the Revised Code.	83097
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES	83098
The foregoing appropriation item 150321, State Capital	83099
Improvements Program - Operating Expenses, shall be used by the	83100
Ohio Public Works Commission to administer the State Capital	83101
Improvement Program under sections 164.01 to 164.16 of the Revised	83102
Code.	83103
CLEAN OHIO CONSERVATION OPERATING	83104
The foregoing appropriation item 150403, Clean Ohio	83105
Conservation Operating, shall be used by the Ohio Public Works	83106
Commission in administering Clean Ohio Conservation Fund (Fund	83107
7056) projects pursuant to sections 164.20 to 164.27 of the	83108
Revised Code.	83109
DISTRICT ADMINISTRATION COSTS	83110
The Director of the Public Works Commission is authorized to	83111
create a District Administration Costs Program from proceeds of	83112
the Capital Improvements Fund and Local Transportation Improvement	83113
Program Fund. The program shall be used to provide for the direct	83114

costs of district administration of the nineteen public works 83115
districts. Districts choosing to participate in the program shall 83116
only expend State Capital Improvements Fund moneys for State 83117
Capital Improvements Fund costs and Local Transportation 83118
Improvement Program Fund moneys for Local Transportation 83119
Improvement Program Fund costs. The District Administration Costs 83120
Program account shall not exceed \$1,235,000 per fiscal year. Each 83121
public works district may be eligible for up to \$65,000 per fiscal 83122
year from its district allocation as provided in sections 164.08 83123
and 164.14 of the Revised Code. 83124

The Director, by rule, shall define allowable and 83125
nonallowable costs for the purpose of the District Administration 83126
Costs Program. Nonallowable costs include indirect costs, elected 83127
official salaries and benefits, and project-specific costs. No 83128
district public works committee may participate in the District 83129
Administration Costs Program without the approval of those costs 83130
by the district public works committee under section 164.04 of the 83131
Revised Code. 83132

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 83133

The Director of the Public Works Commission is authorized to 83134
create a District Administration Costs Program for districts 83135
represented by natural resource assistance councils. This program 83136
shall be funded from proceeds of the Clean Ohio Conservation Fund. 83137
The program shall be used by natural resource assistance councils 83138
in order to provide for administration costs of the nineteen 83139
natural resource assistance councils for the direct costs of 83140
council administration. Councils choosing to participate in this 83141
program may be eligible for up to \$15,000 per fiscal year from its 83142
district allocation as provided in section 164.27 of the Revised 83143
Code. 83144

The Director shall define allowable and nonallowable costs 83145
for the purpose of the District Administration Costs Program. 83146

Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. 83147
83148

Section 379.10. RAC STATE RACING COMMISSION 83149

Dedicated Purpose Fund Group 83150

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 83151
Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 83152
Development

5650 875604 Racing Commission \$ 4,034,320 \$ 4,070,948 83153
Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 83154
Development-Casino

5NL0 875611 Revenue \$ 8,000,000 \$ 8,000,000 83155
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,496,415 \$ 23,533,043 83156
Group

Fiduciary Fund Group 83157

5C40 875607 Simulcast Horse \$ 7,000,000 \$ 7,000,000 83158
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 7,000,000 \$ 7,000,000 83159

Holding Account Fund Group 83160

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 83161

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 83162
Group

TOTAL ALL BUDGET FUND GROUPS \$ 30,596,415 \$ 30,633,043 83163

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION 83165

General Revenue Fund 83166

GRF 235321 Operating Expenses \$ 5,825,252 \$ 5,762,414 83167

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 83168

GRF 235406 Articulation and \$ 1,844,372 \$ 1,851,773 83169

	Transfer				
GRF 235408	Midwest Higher Education Compact	\$	115,000	\$	115,000 83170
GRF 235414	Grants and Scholarship Administration	\$	837,799	\$	855,433 83171
GRF 235417	Technology Maintenance and Operations	\$	4,989,937	\$	3,758,802 83172
GRF 235428	Appalachian New Economy Workforce Partnership	\$	1,228,000	\$	1,228,000 83173
GRF 235438	Choose Ohio First Scholarship	\$	28,169,310	\$	40,177,613 83174
GRF 235443	Adult Basic and Literacy Education - State	\$	8,083,344	\$	8,083,344 83175
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000 83176
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 83177
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 83178
GRF 235501	State Share of Instruction	\$	2,019,202,822	\$	2,039,394,850 83179
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	11,163,333	\$	12,502,933 83180
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 83181
GRF 235508	Air Force Institute of Technology	\$	1,641,723	\$	1,641,723 83182
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 83183
GRF 235511	Cooperative Extension	\$	25,110,186	\$	25,110,186 83184

	Service					
GRF 235514	Central State	\$	11,685,516	\$	11,685,516	83185
	Supplement					
GRF 235515	Case Western Reserve	\$	2,038,940	\$	2,038,940	83186
	University School of					
	Medicine					
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	83187
GRF 235520	Shawnee State	\$	4,037,456	\$	4,037,456	83188
	Supplement					
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	83189
GRF 235526	Primary Care	\$	1,425,000	\$	1,425,000	83190
	Residencies					
GRF 235533	Program and Project	\$	2,653,850	\$	1,178,000	83191
	Support					
GRF 235535	Ohio Agricultural	\$	37,361,470	\$	37,361,470	83192
	Research and					
	Development Center					
GRF 235536	The Ohio State	\$	9,185,494	\$	9,185,494	83193
	University Clinical					
	Teaching					
GRF 235537	University of	\$	7,904,944	\$	7,904,944	83194
	Cincinnati Clinical					
	Teaching					
GRF 235538	University of Toledo	\$	5,888,670	\$	5,888,670	83195
	Clinical Teaching					
GRF 235539	Wright State	\$	2,860,830	\$	2,860,830	83196
	University Clinical					
	Teaching					
GRF 235540	Ohio University	\$	2,765,651	\$	2,765,651	83197
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical	\$	2,844,469	\$	2,844,469	83198
	University Clinical					
	Teaching					

GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	500,000	\$	500,000	83199
GRF 235544	STEM Public-Private Partnership Program	\$	500,000	\$	500,000	83200
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485	83201
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367	83202
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	83203
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	83204
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	83205
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	83206
GRF 235563	Ohio College Opportunity Grant	\$	122,260,500	\$	148,200,000	83207
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	500,000	\$	750,000	83208
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	83209
GRF 235591	Co-Op Internship Program	\$	700,000	\$	700,000	83210
GRF 235597	High School STEM Innovation and Ohio College Scholarship and Retention Program	\$	1,000,000	\$	1,000,000	83211

GRF 235599	National Guard	\$ 20,604,000	\$ 21,222,120	83212
	Scholarship Program			
GRF 235909	Higher Education	\$ 323,545,500	\$ 348,550,200	83213
	General Obligation			
	Bond Debt Service			
TOTAL GRF	General Revenue Fund	\$ 2,717,574,810	\$ 2,803,762,714	83214
	Dedicated Purpose Fund Group			83215
2200 235614	Program Approval and	\$ 800,485	\$ 744,562	83216
	Reauthorization			
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	83217
4E80 235602	Higher Educational	\$ 53,239	\$ 60,000	83218
	Facility Commission			
	Administration			
5D40 235675	Conference/Special	\$ 1,000,000	\$ 1,000,000	83219
	Purposes			
5FR0 235650	State and Non-Federal	\$ 1,402,150	\$ 1,402,150	83220
	Grants and Award			
5JC0 235654	Federal Research	\$ 4,950,000	\$ 4,950,000	83221
	Network			
5NH0 235684	OhioMeansJobs	\$ 245,163	\$ 250,000	83222
	Workforce Development			
	Revolving Loan			
	Program			
5P30 235663	Variable Savings Plan	\$ 7,743,050	\$ 7,915,343	83223
6450 235664	Guaranteed Savings	\$ 956,973	\$ 1,001,626	83224
	Plan			
6820 235606	Nursing Loan Program	\$ 889,611	\$ 891,320	83225
TOTAL DPF	Dedicated Purpose Fund	\$ 18,239,921	\$ 18,414,251	83226
	Group			
	Bond Research and Development Fund Group			83227
7011 235634	Research Incentive	\$ 6,500,000	\$ 6,500,000	83228
	Third Frontier			

7014	235639	Research Incentive	\$	1,500,000	\$	1,500,000	83229
		Third Frontier - Tax					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	83230
		Development Fund Group					
		Federal Fund Group					83231
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	83232
3120	235612	Carl D. Perkins	\$	1,332,315	\$	1,350,000	83233
		Grant/Plan					
		Administration					
3120	235641	Adult Basic and	\$	17,579,996	\$	17,600,000	83234
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000	83235
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	83236
		Project					
3N60	235658	John R. Justice	\$	70,000	\$	70,000	83237
		Student Loan					
		Repayment Program					
TOTAL FED		Federal Fund Group	\$	23,103,119	\$	23,145,000	83238
TOTAL ALL		BUDGET FUND GROUPS	\$	2,766,917,850	\$	2,853,321,965	83239

Section 381.20. SEA GRANTS 83241

The foregoing appropriation item 235402, Sea Grants, shall be 83242
used to match federal dollars and leverage additional support by 83243
The Ohio State University's Sea Grant program, including Stone 83244
Laboratory, for research, education, and outreach to enhance the 83245
economic value, public utilization, and responsible management of 83246
Lake Erie and Ohio's coastal resources. 83247

Section 381.30. ARTICULATION AND TRANSFER 83248

The foregoing appropriation item 235406, Articulation and 83249

Transfer, shall be used by the Chancellor of Higher Education to 83250
maintain and expand the work of the Articulation and Transfer 83251
Council to develop a system of transfer policies to ensure that 83252
students at state institutions of higher education can transfer 83253
and have coursework apply to their majors and degrees at any other 83254
state institution of higher education without unnecessary 83255
duplication or institutional barriers under sections 3333.16, 83256
3333.161, and 3333.162 of the Revised Code. 83257

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 83258

The foregoing appropriation item 235408, Midwest Higher 83259
Education Compact, shall be distributed by the Chancellor of 83260
Higher Education under section 3333.40 of the Revised Code. 83261

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 83262

The foregoing appropriation item 235414, Grants and 83263
Scholarship Administration, shall be used by the Chancellor of 83264
Higher Education to manage and administer student financial aid 83265
programs created by the General Assembly and grants for which the 83266
Department of Higher Education is responsible. The appropriation 83267
item also shall be used to support all state financial aid audits 83268
and student financial aid programs created by Congress, and to 83269
provide fiscal and administrative services for the Ohio National 83270
Guard Scholarship Program. 83271

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 83272

The foregoing appropriation item 235417, Technology 83273
Maintenance and Operations, shall be used by the Chancellor of 83274
Higher Education to support the development and implementation of 83275
information technology solutions designed to improve the 83276
performance and capacity of the Department of Higher Education. 83277
The information technology solutions may be provided by the Ohio 83278

Technology Consortium (OH-TECH). 83279

Of the foregoing appropriation item 235417, Technology 83280
Maintenance and Operations, a portion in each fiscal year may be 83281
used by the Chancellor to support the continued implementation of 83282
eStudent Services, a consortium organized under division (T) of 83283
section 3333.04 of the Revised Code to expand access to dual 83284
enrollment opportunities for high school students, as well as 83285
adult and higher education opportunities through technology. The 83286
funds shall be used by eStudent Services to develop and promote 83287
learning and assessment through the use of technology, to test and 83288
provide advice on emerging learning-directed technologies, to 83289
facilitate cost-effectiveness through shared educational 83290
technology investments, and for any other priorities of the 83291
Chancellor of Higher Education. 83292

Of the foregoing appropriation item 235417, Technology 83293
Maintenance and Operations, a portion in each fiscal year shall be 83294
used by the Chancellor to implement a high priority data 83295
warehouse, advanced analytics, and visualization integration 83296
services associated with the Higher Education Information (HEI) 83297
system. The services may be facilitated by OH-TECH. 83298

Of the foregoing appropriation item 235417, Technology 83299
Maintenance and Operations, \$150,000 in each fiscal year shall be 83300
used to support Ohio Reach to provide mentoring and support 83301
services to former foster youth attending college. 83302

Of the foregoing appropriation item 235417, Technology 83303
Maintenance and Operations, up to \$750,000 in fiscal year 2020 83304
shall be provided to the Fairfield County Port Authority to 83305
distribute to Hocking College. Hocking College shall propose 83306
technical content of currently existing Department of Higher 83307
Education approved certificate and stackable certificate 83308
programming or technical content of associate degrees at a 83309
Workforce Training Center located in Fairfield County. The 83310

instructional programming proposals shall focus efforts on 83311
creating and implementing a short-term certificate and apprentice 83312
pathway program and providing access to training programs for 83313
developmentally disabled clients. Prior to the proposed 83314
development of any programming to be offered in Fairfield County 83315
at the Workforce Training Center, Hocking College shall document a 83316
need at the request of a corporation located or locating in 83317
Fairfield County. The Workforce Program committee shall review 83318
these requests first to acknowledge there is a need before 83319
development of such programming. Any such program shall be offered 83320
to Ohio University and its Lancaster Campus for their first right 83321
of refusal to meet that same need. Hocking College shall expend 83322
these moneys by June 30, 2020. Hocking College shall not offer 83323
associate or baccalaureate degrees in Fairfield County. 83324

Of the foregoing appropriation item 235417, Technology 83325
Maintenance and Operations, \$500,000 in fiscal year 2020 shall be 83326
allocated to the Fairfield County Port Authority to distribute to 83327
Ohio University-Lancaster to support the development and 83328
implementation of instructional programming that supports 83329
workforce training in the areas of advanced manufacturing and 83330
robotics. Hocking College, Ohio University Lancaster Campus, and 83331
Fairfield County shall establish a Workforce Program Committee for 83332
advisory purposes in developing workforce training plans and 83333
Workforce Training Center operations. 83334

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 83335

Of the foregoing appropriation item 235428, Appalachian New 83336
Economy Workforce Partnership, \$500,000 in each fiscal year shall 83337
be allocated to the Mahoning Valley Innovation and 83338
Commercialization Center. 83339

The remainder of the foregoing appropriation item 235428, 83340
Appalachian New Economy Workforce Partnership, shall be 83341

distributed to Ohio University to continue a multi-campus and 83342
multi-agency coordinated effort to link Appalachia to the new 83343
economy. Ohio University shall use these funds to provide 83344
leadership in the development and implementation of initiatives in 83345
the areas of entrepreneurship, management, education, and 83346
technology. 83347

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 83348

The foregoing appropriation item 235438, Choose Ohio First 83349
Scholarship, shall be used to operate the program prescribed in 83350
sections 3333.60 to 3333.69 of the Revised Code. 83351

During each fiscal year, the Chancellor of Higher Education, 83352
as soon as possible after cancellation, may certify to the 83353
Director of Budget and Management the amount of canceled 83354
prior-year encumbrances in appropriation item 235438, Choose Ohio 83355
First Scholarship. Upon receipt of the certification, the Director 83356
of Budget and Management may transfer cash, up to the certified 83357
amount, from the General Revenue Fund to the Choose Ohio First 83358
Scholarship Reserve Fund (Fund 5PV0). 83359

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 83360

The foregoing appropriation item 235443, Adult Basic and 83361
Literacy Education - State, shall be used to support the adult 83362
basic and literacy education instructional grant program and state 83363
leadership program. The supported programs shall satisfy the state 83364
match and maintenance of effort requirements for the 83365
state-administered grant program. 83366

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 83367

The foregoing appropriation item 235444, Ohio Technical 83368
Centers, shall be used by the Chancellor of Higher Education to 83369
support post-secondary adult career-technical education. The 83370

Chancellor shall provide coordination for Ohio Technical Centers 83371
through program approval processes, data collection of program and 83372
student outcomes, and subsidy disbursements from the foregoing 83373
appropriation item 235444, Ohio Technical Centers. 83374

(A)(1) As soon as possible in each fiscal year, in accordance 83375
with instructions of the Chancellor, each Ohio Technical Center 83376
shall report its actual data, consistent with the definitions in 83377
the Higher Education Information (HEI) system's files, to the 83378
Chancellor. 83379

(a) In defining the number of full-time equivalent students 83380
for state subsidy purposes, the Chancellor shall exclude all 83381
students who are not residents of Ohio. 83382

(b) A full-time equivalent student shall be defined as a 83383
student who completes 450 hours. Those students that complete some 83384
portion of 450 hours shall be counted as a partial full-time 83385
equivalent for funding purposes, while students that complete more 83386
than 450 hours shall be counted as proportionally greater than one 83387
full-time equivalent. 83388

(c) In calculating each Ohio Technical Center's full-time 83389
equivalent students, the Chancellor shall use a three-year 83390
average. 83391

(d) After June 30, 2019, Ohio Technical Centers shall operate 83392
with, or be an active candidate for, accreditation by an 83393
accreditor authorized by the United States Department of Education 83394
to be eligible to receive subsidies from the foregoing 83395
appropriation item 235444, Ohio Technical Centers. 83396

(2) In each fiscal year, twenty-five per cent of the 83397
allocation for Ohio Technical Centers shall be distributed based 83398
on the proportion of each Center's full-time equivalent students 83399
to the total full-time equivalent students who complete a 83400
post-secondary technical workforce training program approved by 83401

the Chancellor with a grade of C or better or a grade of pass if 83402
the program is evaluated on a pass/fail basis. 83403

(3) In each fiscal year, twenty per cent of the allocation 83404
for Ohio Technical Centers shall be distributed based on the 83405
proportion of each Center's full-time equivalent students to the 83406
total full-time equivalent students who complete 50 per cent of a 83407
program of study as a measure of student retention. 83408

(4) In each fiscal year, fifty per cent of the allocation for 83409
Ohio Technical Centers shall be distributed based on the 83410
proportion of each Center's full-time equivalent students to the 83411
total full-time equivalent students who have found employment, 83412
entered military service, or enrolled in additional post-secondary 83413
education and training in accordance with the placement 83414
definitions of the Carl D. Perkins Career and Technical Education 83415
Act of 2006 (Perkins). The calculation for eligible full-time 83416
equivalent students shall be based on the per cent of Perkins 83417
placements for students who have completed at least 50 per cent of 83418
a program of study. 83419

(5) In each fiscal year, five per cent of the allocation for 83420
Ohio Technical Centers shall be distributed based on the 83421
proportion of each Center's full-time equivalent students to the 83422
total full-time equivalent students who have earned a credential 83423
from an industry-recognized third party. 83424

(B) Of the foregoing appropriation item 235444, Ohio 83425
Technical Centers, up to 2.38 per cent in each fiscal year may be 83426
distributed by the Chancellor to the Ohio Central School System, 83427
up to \$48,000 in each fiscal year may be utilized for assistance 83428
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 83429
year may be distributed by the Chancellor to Ohio Technical 83430
Centers that provide business consultation with matching local 83431
dollars, with preference to industries on the in-demand jobs list 83432
created under section 6301.11 of the Revised Code or in regionally 83433

emerging fields. Each center meeting this requirement shall 83434
receive at least \$25,000 but not more than a maximum amount 83435
determined by the Chancellor. 83436

(C) The remainder of the foregoing appropriation item 235444, 83437
Ohio Technical Centers, in each fiscal year shall be distributed 83438
in accordance with division (A) of this section. 83439

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 83440
CENTERS 83441

(1) In fiscal year 2020, no Ohio Technical Center shall 83442
receive performance funding calculated under division (A) of this 83443
section, excluding funding for third party credentials calculated 83444
under division (A)(5) of this section, that is less than 75 per 83445
cent of the average allocation the Center received, excluding 83446
funding for third party credentials, in the three prior fiscal 83447
years. 83448

In fiscal year 2021, no Ohio Technical Center shall receive 83449
performance funding calculated under division (A) of this section, 83450
excluding funding for third party credentials calculated under 83451
division (A)(5) of this section, that is less than 65 per cent of 83452
the average allocation the Center received, excluding funding for 83453
third party credentials, in the three prior fiscal years. 83454

(2) In order to ensure that no Center receives less than the 83455
amounts identified for each fiscal year in accordance with 83456
division (D)(1) of this section, funds shall be made available to 83457
support the phase-in allocation by proportionally reducing formula 83458
earnings from each Center not receiving phase-in funding. 83459

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 83460
SUPPORT 83461

The foregoing appropriation item 235474, Area Health 83462
Education Centers Program Support, shall be used by the Chancellor 83463

of Higher Education to support the medical school regional area 83464
health education centers' educational programs for the continued 83465
support of medical and other health professions education and for 83466
support of the Area Health Education Center Program. 83467

Section 381.120. CAMPUS SAFETY AND TRAINING 83468

The foregoing appropriation item 235492, Campus Safety and 83469
Training, shall be used by the Chancellor of Higher Education for 83470
the purpose of developing model best practices for preventing and 83471
responding to sexual violence on campus. The Chancellor, in 83472
consultation with state institutions of higher education as 83473
defined in section 3345.011 of the Revised Code and private 83474
nonprofit institutions of higher education holding certificates of 83475
authorization under Chapter 1713. of the Revised Code, shall 83476
continue to develop model best practices in line with emerging 83477
trends, research, and evidence-based training for preventing and 83478
responding to sexual violence and protecting students and staff 83479
who are victims of sexual violence on campus. The Chancellor shall 83480
convene state institutions of higher education and private 83481
nonprofit institutions of higher education in the training and 83482
implementation of best practices regarding campus sexual violence. 83483

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 83484

The Chancellor of Higher Education shall establish procedures 83485
to allocate the foregoing appropriation item 235501, State Share 83486
of Instruction, based on the formulas detailed in this section 83487
that utilize the enrollment, course completion, degree attainment, 83488
and student achievement factors reported annually by each state 83489
institution of higher education participating in the Higher 83490
Education Information (HEI) system. 83491

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 83492
COMPLETIONS 83493

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2021, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	83513
ARTS AND HUMANITIES 2	\$12,986	\$13,227	83514
ARTS AND HUMANITIES 3	\$16,155	\$16,455	83515
ARTS AND HUMANITIES 4	\$24,740	\$25,200	83516
ARTS AND HUMANITIES 5	\$41,648	\$42,421	83517
ARTS AND HUMANITIES 6	\$41,449	\$42,219	83518
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	83519
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	83520
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	83521
BUSINESS, EDUCATION &	\$14,388	\$14,655	83522

SOCIAL SCIENCES 4			
BUSINESS, EDUCATION &	\$22,995	\$23,422	83523
SOCIAL SCIENCES 5			
BUSINESS, EDUCATION &	\$24,140	\$24,588	83524
SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$36,758	\$37,440	83525
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	\$8,441	\$8,598	83526
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	\$11,326	\$11,536	83527
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	\$13,054	\$13,296	83528
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	\$15,314	\$15,599	83529
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$19,665	\$20,030	83530
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$20,452	\$20,832	83531
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$24,577	\$25,033	83532
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$39,870	\$40,610	83533
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	\$56,741	\$57,795	83534
ENGINEERING, MATHEMATICS,			

MEDICINE 9

Doctoral I and Doctoral II models shall be allocated in 83535
accordance with division (D)(2) of this section. 83536

Medical I and Medical II models shall be allocated in 83537
accordance with divisions (D)(3) and (D)(4) of this section. 83538

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 83539
AND GRADUATE WEIGHTS 83540

For the purpose of implementing the recommendations of the 83541
2006 State Share of Instruction Consultation and the Higher 83542
Education Funding Study Council that priority be given to 83543
maintaining state support for science, technology, engineering, 83544
mathematics, medicine, and graduate programs, the costs in 83545
division (B) of this section shall be weighted by the amounts 83546
provided below: 83547

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	1.0000	1.0000	83548
ARTS AND HUMANITIES 2	1.0000	1.0000	83549
ARTS AND HUMANITIES 3	1.0000	1.0000	83550
ARTS AND HUMANITIES 4	1.0000	1.0000	83551
ARTS AND HUMANITIES 5	1.0425	1.0425	83552
ARTS AND HUMANITIES 6	1.0425	1.0425	83553
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	83554
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	83555
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	83556
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	83557
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	83558
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	83559
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	83560

SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	1.0425	1.0425	83561
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	1.0000	1.0000	83562
ENGINEERING, MATHEMATICS,			
MEDICINE 1			
SCIENCE, TECHNOLOGY,	1.0017	1.0017	83563
ENGINEERING, MATHEMATICS,			
MEDICINE 2			
SCIENCE, TECHNOLOGY,	1.6150	1.6150	83564
ENGINEERING, MATHEMATICS,			
MEDICINE 3			
SCIENCE, TECHNOLOGY,	1.6920	1.6920	83565
ENGINEERING, MATHEMATICS,			
MEDICINE 4			
SCIENCE, TECHNOLOGY,	1.4222	1.4222	83566
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	83567
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	83568
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	83569
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	83570
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			83571
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			83572
(1) Of the foregoing appropriation item 235501, State Share			83573

of Instruction, 50 per cent of the appropriation for universities, 83574
as established in division (A)(2) of the section of this act 83575
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 83576
2021," in each fiscal year shall be reserved for support of 83577
associate, baccalaureate, master's, and professional level degree 83578
attainment. 83579

The degree attainment funding shall be allocated to 83580
universities in proportion to each campus's share of the total 83581
statewide degrees granted, weighted by the cost of the degree 83582
programs. The degree cost calculations shall include the model 83583
cost weights for the science, technology, engineering, 83584
mathematics, and medicine models as established in division (C) of 83585
this section. 83586

For degrees including credits earned at multiple 83587
institutions, degree attainment funding shall be allocated to 83588
universities in proportion to each campus's share of the 83589
student-specific cost of earned credits for the degree. Each 83590
institution shall receive its prorated share of degree funding for 83591
credits earned at that institution. Cost of credits not earned at 83592
a university main or regional campus shall be credited to the 83593
degree-granting institution for the first degree earned by a 83594
student at each degree level. The cost credited to the 83595
degree-granting institution shall not be eligible for at-risk 83596
weights and shall be limited to 12.5 per cent of the 83597
student-specific degree costs. However, the 12.5 per cent 83598
limitation shall not apply if the student transferred 12 or fewer 83599
credits into the degree granting institution. 83600

In calculating the subsidy entitlements for degree attainment 83601
for universities, the Chancellor shall use the following count of 83602
degrees and degree costs: 83603

(a) The subsidy eligible undergraduate degrees shall be 83604
defined as follows: 83605

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the

baccalaureate degree funding for the credits earned at that 83637
institution after the associate degree is awarded. 83638

(iii) If a student earns more than one degree at the same 83639
institution at the same degree level in the same fiscal year, the 83640
funding for the highest cost degree shall be prorated among 83641
institutions based on where the credits were earned and additional 83642
degrees shall be funded at 25 per cent of the cost of the degrees. 83643

(c) Associate degrees and baccalaureate degrees earned by a 83644
student defined as at-risk based on academic underpreparation, 83645
age, minority status, financial status, or first generation 83646
post-secondary status based on neither parent completing any 83647
education beyond high school, shall be defined as degrees earned 83648
by an at-risk student and shall be weighted by the following: 83649

A student-specific degree completion weight, where the weight 83650
is calculated based on the at-risk factors of the individual 83651
student, determined by calculating the difference between the 83652
percentage of students with each risk factor who earned a degree 83653
and the percentage of non-at-risk students who earned a degree. 83654

(2) Of the foregoing appropriation item 235501, State Share 83655
of Instruction, up to 11.78 per cent of the appropriation for 83656
universities, as established in division (A)(2) of the section of 83657
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 83658
2020 and 2021," in each fiscal year shall be reserved for support 83659
of doctoral programs to implement the funding recommendations made 83660
by representatives of the universities. The amount so reserved 83661
shall be referred to as the doctoral set-aside. 83662

In each fiscal year, the doctoral set-aside funding 83663
allocation shall be allocated to universities as follows: 83664

(a) 25 per cent of the doctoral set-aside shall be allocated 83665
to universities in proportion to their share of the statewide 83666
total earnings of each state institution's three-year average 83667

course completions. The subsidy eligible enrollments by model 83668
shall equal only those FTE students who successfully complete the 83669
course as defined and reported through the Higher Education 83670
Information (HEI) system course enrollment file. Course completion 83671
earnings shall be determined by multiplying the amounts listed 83672
above in divisions (B) and (C) of this section by the 83673
subsidy-eligible FTEs for the three-year period ending in the 83674
prior year for all doctoral enrollments in graduate-level models. 83675

(b) 50 per cent of the doctoral set-aside shall be allocated 83676
to universities in proportion to each campus's share of the total 83677
statewide doctoral degrees, weighted by the cost of the doctoral 83678
discipline. In calculating each campus's doctoral degrees the 83679
Chancellor shall use the three-year average doctoral degrees 83680
awarded for the three-year period ending in the prior year. 83681

(c) 25 per cent of the doctoral set-aside shall be allocated 83682
to universities in proportion to their share of research grant 83683
activity. Funding for this component shall be allocated to 83684
eligible universities in proportion to their share of research 83685
grant activity published by the National Science Foundation. Grant 83686
awards from the Department of Health and Human Services shall be 83687
weighted at 50 per cent. 83688

(3) Of the foregoing appropriation item 235501, State Share 83689
of Instruction, 6.41 per cent of the appropriation for 83690
universities, as established in division (A)(2) of the section of 83691
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 83692
2020 AND 2021," in each fiscal year shall be reserved for support 83693
of Medical II FTEs. The amount so reserved shall be referred to as 83694
the medical II set-aside. 83695

The medical II set-aside shall be allocated to universities 83696
in proportion to their share of the statewide total of each state 83697
institution's three-year average Medical II FTEs as calculated in 83698
division (A) of this section. 83699

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment. 83700
83701
83702

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside. 83703
83704
83705
83706
83707
83708
83709

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section. 83710
83711
83712
83713

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students: 83714
83715
83716

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file; 83717
83718
83719
83720

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following: 83721
83722
83723
83724
83725

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2016-2018 academic years; and 83726
83727
83728

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk 83729
83730

course completion weight shall be determined by calculating the 83731
difference between the percentage of traditional students who 83732
complete a course and the percentage of at-risk students who 83733
complete the same course. 83734

(c) The course completion earnings shall be determined by 83735
multiplying the amounts listed above in divisions (B) and (C) of 83736
this section by the subsidy-eligible FTEs for the three-year 83737
period ending in the prior year for all models except Medical I, 83738
Medical II, Doctoral I, and Doctoral II. 83739

(d) For universities, the Chancellor shall compute the course 83740
completion earnings by dividing the appropriation for 83741
universities, established in division (A)(2) of the section of 83742
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 83743
2020 AND 2021," less the degree attainment funding as calculated 83744
in division (D)(1) of this section, less the doctoral set-aside, 83745
less the medical I set-aside, and less the medical II set-aside, 83746
by the sum of all campuses' instructional costs as calculated in 83747
division (D)(5) of this section. 83748

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 83749
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 83750

(1) Of the foregoing appropriation item 235501, State Share 83751
of Instruction, 50 per cent of the appropriation for 83752
state-supported community colleges, state community colleges, and 83753
technical colleges as established in division (A)(1) of the 83754
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 83755
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 83756
course completion FTEs as aggregated by the subsidy models defined 83757
in division (B) of this section. 83758

The course completion funding shall be allocated to campuses 83759
in proportion to each campus's share of the total sector's course 83760
completions, weighted by the instructional cost of the subsidy 83761

models. 83762

To calculate the subsidy entitlements for course completions 83763
at community colleges, state community colleges, and technical 83764
colleges, the Chancellor shall use the following calculations: 83765

(a) In calculating each campus's count of FTE course 83766
completions, the Chancellor shall use a three-year average for 83767
course completions for the three year period ending in the prior 83768
year for students identified as residents of the state of Ohio in 83769
any term of their studies, as reported through the Higher 83770
Education Information (HEI) system student enrollment file. 83771

(b) The subsidy eligible enrollments by model shall equal 83772
only those FTE students who successfully complete the course as 83773
defined and reported through the Higher Education Information 83774
(HEI) system course enrollment file. 83775

(c) Those students with successful course completions, that 83776
are defined as access students based on financial status, minority 83777
status, age, or academic under-preparation shall have their 83778
eligible course completions weighted by a statewide access weight. 83779
The weight given to any student that meets any access factor shall 83780
be 15 per cent for all course completions. 83781

(d) The model costs as used in the calculation shall be 83782
augmented by the model weights for science, technology, 83783
engineering, mathematics, and medicine models as established in 83784
division (C) of this section. 83785

(2) Of the foregoing appropriation item 235501, State Share 83786
of Instruction, 25 per cent of the appropriation for 83787
state-supported community colleges, state community colleges, and 83788
technical colleges as established in division (A)(1) of the 83789
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 83790
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 83791
for colleges in proportion to their share of college student 83792

success factors. 83793

Student success factors shall be awarded at the institutional 83794
level for each subsidy-eligible student that successfully: 83795

(a) Completes a developmental math course and, within the 83796
next year, enrolls in a college-level math course. 83797

(b) Completes a developmental English course and, within the 83798
next year, enrolls in a college-level English course. 83799

(c) Completes 12 semester credit hours of college-level 83800
coursework. 83801

(d) Completes 24 semester credit hours of college-level 83802
coursework. 83803

(e) Completes 36 semester credit hours of college-level 83804
coursework. 83805

(3) Of the foregoing appropriation item 235501, State Share 83806
of Instruction, 25 per cent of the appropriation for 83807
state-supported community colleges, state community colleges, and 83808
technical colleges as established in division (A)(1) of the 83809
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 83810
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 83811
for completion milestones. 83812

Completion milestones shall include associate degrees, 83813
technical certificates over 30 credit hours as designated by the 83814
Department of Higher Education, and students transferring to any 83815
four-year institution with at least 12 credit hours of 83816
college-level coursework earned at that community college, state 83817
community college, or technical college. 83818

The completion milestone funding shall be allocated to 83819
colleges in proportion to each institution's share of the sector's 83820
total completion milestones, weighted by the instructional cost of 83821
the associate degree, certificate, or transfer models. Costs for 83822

technical certificates over 30 hours shall be weighted at one-half 83823
of the associate degree model costs and transfers with at least 12 83824
credit hours of college-level coursework shall be weighted at 83825
one-fourth of the average cost for all associate degree model 83826
costs. 83827

(4) To calculate the subsidy entitlements for completions at 83828
community colleges, state community colleges, and technical 83829
colleges, the Chancellor shall use the following calculations: 83830

(a) In calculating each campus's count of completions, the 83831
Chancellor shall use a three-year average for completion 83832
milestones awarded to students identified as subsidy eligible in 83833
any term of their studies, as reported through the Higher 83834
Education Information (HEI) system student enrollment file. 83835

(b) The subsidy eligible completion milestones by model shall 83836
equal only those students who successfully complete an associate 83837
degree or technical certificate over 30 credit hours, or transfer 83838
to any four-year institution with at least 12 credit hours of 83839
college-level coursework as defined and reported in the Higher 83840
Education Information (HEI) system. Student completions reported 83841
in HEI shall have an accompanying course enrollment record in 83842
order to be subsidy eligible. 83843

(c) Those students with successful completions for associate 83844
degrees, technical certificates over 30 credit hours, or transfer 83845
to any four-year institution with at least 12 credit hours of 83846
college-level coursework, identified in division (E)(3) of this 83847
section, that are defined as access students based on financial 83848
status, minority status, age, or academic under-preparation shall 83849
have their eligible completions weighted by a statewide access 83850
weight. The weight shall be 25 per cent for students with one 83851
access factor, 66 per cent for students with two access factors, 83852
150 per cent for students with three access factors, and 200 per 83853
cent for students with four access factors. 83854

(d) For those students who complete more than one completion 83855
milestone, funding for each additional associate degree or 83856
technical certificate over 30 credit hours designated as such by 83857
the Department of Higher Education shall be funded at 50 per cent 83858
of the model costs as defined in division (3) of this section. 83859

(F) CAPITAL COMPONENT DEDUCTION 83860

After all other adjustments have been made, state share of 83861
instruction earnings shall be reduced for each campus by the 83862
amount, if any, by which debt service charged in Am. H.B. 748 of 83863
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 83864
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 83865
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 83866
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 83867
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 83868
562 of the 127th General Assembly for that campus exceeds that 83869
campus's capital component earnings. The sum of the amounts 83870
deducted shall be transferred to appropriation item 235552, 83871
Capital Component, in each fiscal year. 83872

(G) EXCEPTIONAL CIRCUMSTANCES 83873

Adjustments may be made to the state share of instruction 83874
payments and other subsidies distributed by the Chancellor of 83875
Higher Education to state colleges and universities for 83876
exceptional circumstances. No adjustments for exceptional 83877
circumstances may be made without the recommendation of the 83878
Chancellor and the approval of the Controlling Board. 83879

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 83880
INSTRUCTION 83881

The standard provisions of the state share of instruction 83882
calculation as described in the preceding sections of temporary 83883
law shall apply to any reductions made to appropriation item 83884
235501, State Share of Instruction, before the Chancellor has 83885

formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on the final data from the Chancellor.

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE SHARE OF INSTRUCTION FORMULAS

The Inter-University Council and Ohio Association of Community Colleges shall each recommend eight members representing their institutions to serve on the Employment Metrics Consultation, which shall assist the Chancellor of Higher Education to study the most appropriate formula weights for post-graduation employment measures that may be used in the distribution to universities and community colleges from the foregoing appropriation item 235501, State Share of Instruction, beginning in fiscal year 2022. The Chancellor, or the Chancellor's designee, shall lead the Consultation and call its first meeting. The Consultation shall research the most appropriate data sources available to measure employment outcomes and evaluate the public

policy benefits of adding such measures to the current State Share of Instruction allocation formulas to reward institutional performance of job placement. The Consultation shall also identify and evaluate the most critical factors that should be considered as possible enhancements to the formula, such as the relevance of graduates' degrees to job placement, employment in Ohio versus out of state, placement in high demand fields, and other qualitative factors. Separate allocation factors may be considered within each sector's share of the foregoing appropriation item 235501, State Share of Instruction. The study shall be completed by June 30, 2020.

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$465,426,250 in fiscal year 2020 and \$470,080,512 in fiscal year 2021 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,553,776,572 in fiscal year 2020 and \$1,569,314,338 in fiscal year 2021 shall be distributed to state-supported university main and regional campuses.

Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year shall be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

Section 381.160. RESTRICTION ON FEE INCREASES 83947

(A) In fiscal years 2020 and 2021, the boards of trustees of 83948
state institutions of higher education shall restrain increases in 83949
in-state undergraduate instructional and general fees. 83950

(1) For the 2019-2020 and 2020-2021 academic years, all of 83951
the following shall apply: 83952

(a) Each state university or college, as defined in section 83953
3345.12 and university branch established under Chapter 3355. of 83954
the Revised Code shall not increase its in-state undergraduate 83955
instructional and general fees by more than two per cent over what 83956
the institution charged for the previous academic year. 83957

(b) Each community college established under Chapter 3354., 83958
state community college established under Chapter 3358., or 83959
technical college established under Chapter 3357. of the Revised 83960
Code may increase its in-state undergraduate instructional and 83961
general fees by not more than \$5 per credit hour over what the 83962
institution charged for the previous academic year. 83963

(c) For state institutions of higher education, as defined in 83964
section 3345.011 of the Revised Code, increases for all other 83965
special fees, including the creation of new special fees, shall be 83966
subject to the approval of the Chancellor of Higher Education. 83967

(2) The limitations under division (A)(1) of this section do 83968
not apply to room and board, student health insurance, fees for 83969
auxiliary goods or services provided to students at the cost 83970
incurred to the institution, fees assessed to students as a 83971
pass-through for licensure and certification examinations, fees in 83972
elective courses associated with travel experiences, elective 83973
service charges, fines, voluntary sales transactions, and fees, 83974
which may appear directly on a student's tuition bill as assessed 83975
by the institution's bursar, to offset the cost of providing 83976

textbooks to students. 83977

(B) The limitations under this section shall not apply to 83978
increases required to comply with institutional covenants related 83979
to their obligations or to meet unfunded legal mandates or legally 83980
binding obligations incurred or commitments made prior to the 83981
effective date of this section with respect to which the 83982
institution had identified such fee increases as the source of 83983
funds. Any increase required by such covenants and any such 83984
mandates, obligations, or commitments shall be reported by the 83985
Chancellor of Higher Education to the Controlling Board. These 83986
limitations may also be modified by the Chancellor, with the 83987
approval of the Controlling Board, to respond to exceptional 83988
circumstances as identified by the Chancellor. 83989

(C) Institutions offering an undergraduate tuition guarantee 83990
pursuant to section 3345.48 of the Revised Code may increase 83991
instructional and general fees pursuant to that section. 83992

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 83993

(A) Funds appropriated for instructional subsidies at 83994
colleges and universities may be used to provide such branch or 83995
other off-campus undergraduate courses of study and such master's 83996
degree courses of study as may be approved by the Chancellor of 83997
Higher Education. 83998

(B) In providing instructional and other services to 83999
students, boards of trustees of state institutions of higher 84000
education shall supplement state subsidies with income from 84001
charges to students. Except as otherwise provided in this act, 84002
each board shall establish the fees to be charged to all students, 84003
including an instructional fee for educational and associated 84004
operational support of the institution and a general fee for 84005
noninstructional services, including locally financed student 84006
services facilities used for the benefit of enrolled students. The 84007

instructional fee and the general fee shall encompass all charges 84008
for services assessed uniformly to all enrolled students. Each 84009
board may also establish special purpose fees, service charges, 84010
and fines as required; such special purpose fees and service 84011
charges shall be for services or benefits furnished individual 84012
students or specific categories of students and shall not be 84013
applied uniformly to all enrolled students. A tuition surcharge 84014
shall be paid by all students who are not residents of Ohio. 84015

The board of trustees of a state institution of higher 84016
education shall not authorize a waiver or nonpayment of 84017
instructional fees or general fees for any particular student or 84018
any class of students other than waivers specifically authorized 84019
by law or approved by the Chancellor. This prohibition is not 84020
intended to limit the authority of boards of trustees to provide 84021
for payments to students for services rendered the institution, 84022
nor to prohibit the budgeting of income for staff benefits or for 84023
student assistance in the form of payment of such instructional 84024
and general fees. 84025

Each state institution of higher education in its statement 84026
of charges to students shall separately identify the instructional 84027
fee, the general fee, the tuition charge, and the tuition 84028
surcharge. Fee charges to students for instruction shall not be 84029
considered to be a price of service but shall be considered to be 84030
an integral part of the state government financing program in 84031
support of higher educational opportunity for students. 84032

(C) The boards of trustees of state institutions of higher 84033
education shall ensure that faculty members devote a proper and 84034
judicious part of their work week to the actual instruction of 84035
students. Total class credit hours of production per academic term 84036
per full-time faculty member is expected to meet the standards set 84037
forth in the budget data submitted by the Chancellor of Higher 84038
Education. 84039

(D) The authority of government vested by law in the boards 84040
of trustees of state institutions of higher education shall in 84041
fact be exercised by those boards. Boards of trustees may consult 84042
extensively with appropriate student and faculty groups. 84043
Administrative decisions about the utilization of available 84044
resources, about organizational structure, about disciplinary 84045
procedure, about the operation and staffing of all auxiliary 84046
facilities, and about administrative personnel shall be the 84047
exclusive prerogative of boards of trustees. Any delegation of 84048
authority by a board of trustees in other areas of responsibility 84049
shall be accompanied by appropriate standards of guidance 84050
concerning expected objectives in the exercise of such delegated 84051
authority and shall be accompanied by periodic review of the 84052
exercise of this delegated authority to the end that the public 84053
interest, in contrast to any institutional or special interest, 84054
shall be served. 84055

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 84056
CHILDREN SCHOLARSHIPS 84057

The foregoing appropriation item 235504, War Orphans and 84058
Severely Disabled Veterans' Children Scholarships, shall be used 84059
to reimburse state institutions of higher education for waivers of 84060
instructional fees and general fees provided by them, to provide 84061
grants to institutions that have received a certificate of 84062
authorization from the Chancellor of Higher Education under 84063
Chapter 1713. of the Revised Code, in accordance with the 84064
provisions of section 5910.04 of the Revised Code, and to fund 84065
additional scholarship benefits provided by section 5910.032 of 84066
the Revised Code. 84067

During each fiscal year, the Chancellor, as soon as possible 84068
after cancellation, may certify to the Director of Budget and 84069
Management the amount of canceled prior-year encumbrances in 84070

appropriation item 235504, War Orphans and Severely Disabled 84071
Veterans' Children Scholarships. Upon receipt of the 84072
certification, the Director of Budget and Management may transfer 84073
cash, up to the certified amount, from the General Revenue Fund to 84074
the War Orphans and Severely Disabled Veterans' Children 84075
Scholarship Reserve Fund (Fund 5PW0). 84076

Section 381.200. OHIOLINK 84077

The foregoing appropriation item 235507, OhioLINK, shall be 84078
used by the Chancellor of Higher Education to support OhioLINK, a 84079
consortium organized under division (T) of section 3333.04 of the 84080
Revised Code to serve as the state's electronic library 84081
information and retrieval system, which provides access statewide 84082
to an extensive set of electronic databases and resources, the 84083
library holdings of Ohio's public and participating private 84084
nonprofit colleges and universities, and the State Library of 84085
Ohio. 84086

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 84087

Of the foregoing appropriation item 235508, Air Force 84088
Institute of Technology, \$75,000 in each fiscal year shall be 84089
allocated to the Aerospace Professional Development Center in 84090
Dayton for statewide workforce development services in the 84091
aerospace industry. 84092

The remainder of the foregoing appropriation item 235508, Air 84093
Force Institute of Technology, shall be used to: (A) strengthen 84094
the research and educational linkages between the Wright Patterson 84095
Air Force Base and institutions of higher education in Ohio; and 84096
(B) support the Defense Associated Graduate Student Innovators, an 84097
engineering graduate consortium of Wright State University, the 84098
University of Dayton, and the Air Force Institute of Technology, 84099
with the participation of the University of Cincinnati and The 84100

Ohio State University. 84101

Section 381.220. OHIO SUPERCOMPUTER CENTER 84102

The foregoing appropriation item 235510, Ohio Supercomputer 84103
Center, shall be used by the Chancellor of Higher Education to 84104
support the operation of the Ohio Supercomputer Center, a 84105
consortium organized under division (T) of section 3333.04 of the 84106
Revised Code, located at The Ohio State University. The Ohio 84107
Supercomputer Center is a statewide resource available to Ohio 84108
research universities both public and private. It is also intended 84109
that the center be made accessible to private industry as 84110
appropriate. 84111

The Ohio Supercomputer Center's services shall support Ohio's 84112
colleges, universities, and businesses to make Ohio a leader in 84113
using computational science, modeling, and simulation to promote 84114
higher education, research, and economic competitiveness. 84115

Section 381.230. COOPERATIVE EXTENSION SERVICE 84116

The foregoing appropriation item 235511, Cooperative 84117
Extension Service, shall be disbursed through the Chancellor of 84118
Higher Education to The Ohio State University in monthly payments, 84119
unless otherwise determined by the Director of Budget and 84120
Management under section 126.09 of the Revised Code. 84121

Section 381.240. CENTRAL STATE SUPPLEMENT 84122

The foregoing appropriation item 235514, Central State 84123
Supplement, shall be disbursed by the Chancellor of Higher 84124
Education to Central State University in accordance with the plan 84125
developed by the Chancellor and submitted to the Governor and the 84126
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 84127
General Assembly. Funds shall be used in a manner consistent with 84128
the goals of increasing enrollment, improving course completion, 84129

and increasing the number of degrees conferred. 84130

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 84131
MEDICINE 84132

The foregoing appropriation item 235515, Case Western Reserve 84133
University School of Medicine, shall be disbursed to Case Western 84134
Reserve University through the Chancellor of Higher Education in 84135
accordance with agreements entered into under section 3333.10 of 84136
the Revised Code, provided that the state support per full-time 84137
medical student shall not exceed that provided to full-time 84138
medical students at state universities. 84139

Section 381.260. FAMILY PRACTICE 84140

The foregoing appropriation item 235519, Family Practice, 84141
shall be distributed in each fiscal year, based on each medical 84142
school's share of residents placed in a family practice and 84143
graduates practicing in a family practice. 84144

Section 381.270. SHAWNEE STATE SUPPLEMENT 84145

The foregoing appropriation item 235520, Shawnee State 84146
Supplement, shall be disbursed by the Chancellor of Higher 84147
Education to Shawnee State University in accordance with the plan 84148
developed by the Chancellor and submitted to the Governor and the 84149
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 84150
General Assembly. Funds shall be used in a manner consistent with 84151
the goals of improving course completion, increasing the number of 84152
degrees conferred, and furthering the university's mission of 84153
service to the Appalachian region. 84154

Section 381.280. GERIATRIC MEDICINE 84155

The Chancellor of Higher Education shall distribute 84156
appropriation item 235525, Geriatric Medicine, consistent with 84157

existing criteria and guidelines. 84158

Section 381.285. PRIMARY CARE RESIDENCIES 84159

The foregoing appropriation item 235526, Primary Care 84160
Residencies, shall be distributed in each fiscal year, based on 84161
each medical school's share of residents placed in a primary care 84162
field and graduates practicing in a primary care field. 84163

Section 381.288. PROGRAM AND PROJECT SUPPORT 84164

Of the foregoing appropriation item 235533, Program and 84165
Project Support, \$500,000 in fiscal year 2020 shall be allocated 84166
to the Levin College of Urban Affairs at Cleveland State 84167
University. 84168

Of the foregoing appropriation item, 235533, Program and 84169
Project Support, \$75,000 in each fiscal year shall be used by the 84170
Chancellor of Higher Education to support the expansion of an 84171
unmanned aviation STEM pilot program at Emmanuel Christian Academy 84172
for public and nonpublic high school students in Clark County. 84173

Of the foregoing appropriation item 235533, Program and 84174
Project Support, \$28,000 in each fiscal year shall be allocated to 84175
support Cincinnati Hillel at the University of Cincinnati. 84176

Of the foregoing appropriation item 235533, Program and 84177
Project Support, \$200,000 in each fiscal year shall be used by the 84178
Chancellor of Higher Education to support the development and 84179
implementation of an apprenticeship program administered through 84180
the Manufacturing Advocacy and Growth Network's (MAGNET) Early 84181
College Early Career Program. The apprenticeship program shall 84182
place high school students in a participating local private 84183
business that will employ the student and provide the training 84184
necessary for the student to earn a technical certification in 84185
Computer Integrated Manufacturing (CIM), machining, or welding. 84186

Of the foregoing appropriation item 235533, Program and 84187
Project Support, \$975,850 in fiscal year 2020 shall be allocated 84188
to the Ashland University Military and Veterans Resource Center 84189
Project. 84190

Of the foregoing appropriation item 235533, Program and 84191
Project Support, \$750,000 in each fiscal year shall be used to 84192
support the Ohio Aerospace Institute's Space Grant Consortium. 84193

Of the foregoing appropriation item 235533, Program and 84194
Project Support, \$125,000 in each fiscal year shall be allocated 84195
to the Seeds of Literacy organization in Cleveland. 84196

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 84197
CENTER 84198

The foregoing appropriation item 235535, Ohio Agricultural 84199
Research and Development Center, shall be disbursed through the 84200
Chancellor of Higher Education to The Ohio State University in 84201
monthly payments, unless otherwise determined by the Director of 84202
Budget and Management under section 126.09 of the Revised Code. 84203

The Ohio Agricultural Research and Development Center, an 84204
entity of the College of Food, Agricultural, and Environmental 84205
Sciences of The Ohio State University, shall further its mission 84206
of enhancing Ohio's economic development and job creation by 84207
continuing to internally allocate on a competitive basis 84208
appropriated funding of programs based on demonstrated 84209
performance. Academic units, faculty, and faculty-driven programs 84210
shall be evaluated and rewarded consistent with agreed-upon 84211
performance expectations as called for in the College's 84212
Expectations and Criteria for Performance Assessment. 84213

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 84214

The foregoing appropriation items 235536, The Ohio State 84215
University Clinical Teaching; 235537, University of Cincinnati 84216

Clinical Teaching; 235538, University of Toledo Clinical Teaching; 84217
235539, Wright State University Clinical Teaching; 235540, Ohio 84218
University Clinical Teaching; and 235541, Northeast Ohio Medical 84219
University Clinical Teaching, shall be distributed through the 84220
Chancellor of Higher Education. 84221

Of the foregoing appropriation item 235537, University of 84222
Cincinnati Clinical Teaching, \$350,000 in each fiscal year shall 84223
be provided to People Working Cooperatively for the Whole Home 84224
Innovation Center. The funds shall be used to administer 84225
programming, conduct research and training, and convene 84226
multi-disciplinary experts to assess and adopt strategies to help 84227
Ohioans remain in their homes. 84228

STEM PUBLIC-PRIVATE PARTNERSHIP PROGRAM 84229

The foregoing appropriation item 235544, STEM Public-Private 84230
Partnership Program, shall be used for grants for the STEM 84231
Public-Private Partnership Program established in Section 733.30 84232
of this act. 84233

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 84234
DEVELOPMENT 84235

The foregoing appropriation item 235546, Central State 84236
Agricultural Research and Development, shall be used in 84237
conjunction with appropriation item 235548, Central State 84238
Cooperative Extension Services, by Central State University for 84239
its state match requirement as an 1890 land grant university. 84240

Section 381.320. CAPITAL COMPONENT 84241

The foregoing appropriation item 235552, Capital Component, 84242
shall be used by the Chancellor of Higher Education to provide 84243
funding for prior commitments made pursuant to the state's former 84244
capital funding policy for state colleges and universities that 84245
was originally established in Am. H.B. 748 of the 121st General 84246

Assembly. Appropriations from this item shall be distributed to 84247
all campuses for which the estimated campus debt service 84248
attributable to qualifying capital projects was less than the 84249
campus's formula-determined capital component allocation. Campus 84250
allocations shall be determined by subtracting the estimated 84251
campus debt service attributable to qualifying capital projects 84252
from the campus's formula-determined capital component allocation. 84253
Moneys distributed from this appropriation item shall be 84254
restricted to capital-related purposes. 84255

Any campus for which the estimated campus debt service 84256
attributable to qualifying capital projects is greater than the 84257
campus's formula-determined capital component allocation shall 84258
have the difference subtracted from its State Share of Instruction 84259
allocation in each fiscal year. Appropriation equal to the sum of 84260
all such amounts shall be transferred from appropriation item 84261
235501, State Share of Instruction, to appropriation item 235552, 84262
Capital Component. 84263

Section 381.330. LIBRARY DEPOSITORIES 84264

The foregoing appropriation item 235555, Library 84265
Depositories, shall be distributed to the state's five regional 84266
depository libraries for the cost-effective storage of and access 84267
to lesser-used materials in university library collections. The 84268
depositories shall be administrated by the Chancellor of Higher 84269
Education, or by OhioLINK at the discretion of the Chancellor. 84270

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 84271

The foregoing appropriation item 235556, Ohio Academic 84272
Resources Network, shall be used by the Chancellor of Higher 84273
Education to support the operations of the Ohio Academic Resources 84274
Network, a consortium organized under division (T) of section 84275
3333.04 of the Revised Code, which shall include support for 84276

Ohio's colleges and universities in maintaining and enhancing 84277
network connections, using new network technologies to improve 84278
research, education, and economic development programs, and 84279
sharing information technology services. To the extent network 84280
capacity is available, OARnet shall support allocating bandwidth 84281
to eligible programs directly supporting Ohio's economic 84282
development. 84283

Section 381.350. LONG-TERM CARE RESEARCH 84284

The foregoing appropriation item 235558, Long-term Care 84285
Research, shall be disbursed to Miami University for long-term 84286
care research. 84287

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 84288

(A) Except as provided in division (C) of this section: 84289

Of the foregoing appropriation item 235563, Ohio College 84290
Opportunity Grant, at least \$116,560,126 in fiscal year 2020 and 84291
at least \$142,586,364 in fiscal year 2021 shall be used by the 84292
Chancellor of Higher Education to award need-based financial aid 84293
to students enrolled in eligible public and private nonprofit 84294
institutions of higher education, excluding early college high 84295
school and post-secondary enrollment option participants. 84296

The remainder of the foregoing appropriation item 235563, 84297
Ohio College Opportunity Grant, shall be used by the Chancellor to 84298
award needs-based financial aid to students enrolled in eligible 84299
private for-profit career colleges and schools. 84300

(B)(1) As used in this section: 84301

(a) "Eligible institution" means any institution described in 84302
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 84303
Code. 84304

(b) The three "sectors" of institutions of higher education 84305

consist of the following: 84306

(i) State colleges and universities, community colleges, 84307
state community colleges, university branches, and technical 84308
colleges; 84309

(ii) Eligible private nonprofit institutions of higher 84310
education; 84311

(iii) Eligible private for-profit career colleges and 84312
schools. 84313

(2) Awards for students attending eligible state colleges and 84314
universities shall be \$1,900 in fiscal year 2020 and \$2,400 in 84315
fiscal year 2021, and for students attending eligible private 84316
nonprofit institutions of higher education shall be \$3,400 in 84317
fiscal year 2020 and \$3,900 in fiscal year 2021. 84318

For students attending an eligible institution year-round, 84319
awards may be distributed on an annual basis, once Pell grants 84320
have been exhausted. 84321

(3) If the Chancellor determines that the amounts 84322
appropriated for support of the Ohio College Opportunity Grant 84323
program are inadequate to provide grants to all eligible students 84324
as calculated under division (D) of section 3333.122 of the 84325
Revised Code, the Chancellor may create a distribution formula for 84326
fiscal year 2020 and fiscal year 2021 based on the formula used in 84327
fiscal year 2019, or may follow methods established in division 84328
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 84329
Chancellor determines that reductions in award amounts are 84330
necessary, the Chancellor shall reduce the award amounts 84331
proportionally among the sectors of institutions specified in 84332
division (B)(1) of this section in a manner determined by the 84333
Chancellor. The Chancellor shall notify the Controlling Board of 84334
the distribution method. Any formula calculated under this 84335
division shall be complete and established to coincide with the 84336

start of the 2019-2020 academic year. 84337

(C) Prior to determining the amount of funds available to 84338
award under this section and section 3333.122 of the Revised Code, 84339
the Chancellor shall use the foregoing appropriation item 235563, 84340
Ohio College Opportunity Grant, to pay for waivers of tuition and 84341
student fees for eligible students under the Ohio Safety Officer's 84342
College Memorial Fund Program under sections 3333.26 of the 84343
Revised Code. In paying for waivers under this division, the 84344
Chancellor shall deduct funds from the allocations made under 84345
division (A) of this section. Deductions shall be proportionate to 84346
the amounts allocated to each sector from the total amounts 84347
appropriated for each sector under the foregoing appropriation 84348
item 235563, Ohio College Opportunity Grant. 84349

In each fiscal year, with the exception of sections 3333.121 84350
and 3333.124 of the Revised Code and the section of this act 84351
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 84352
shall not distribute or obligate or commit to be distributed an 84353
amount greater than what is appropriated under the foregoing 84354
appropriation item 235563, Ohio College Opportunity Grant. 84355

(D) The Chancellor shall establish, and post on the 84356
Department of Higher Education's web site, award tables based on 84357
any formulas created under division (B) of this section. The 84358
Chancellor shall notify students and institutions of any 84359
reductions in awards under this section. 84360

(E) Notwithstanding section 3333.122 of the Revised Code, no 84361
student shall be eligible to receive an Ohio College Opportunity 84362
Grant for more than ten semesters, fifteen quarters, or the 84363
equivalent of five academic years, less the number of semesters or 84364
quarters in which the student received an Ohio Instructional 84365
Grant. 84366

(F) During each fiscal year, the Chancellor, as soon as 84367

possible after cancellation, may certify to the Director of Budget 84368
and Management the amount of canceled prior-year encumbrances in 84369
appropriation item 235563, Ohio College Opportunity Grant. Upon 84370
receipt of the certification, the Director of Budget and 84371
Management may transfer cash, up to the certified amount, from the 84372
General Revenue Fund to the Ohio College Opportunity Grant Program 84373
Reserve Fund (Fund 5PU0). 84374

Section 381.370. THE OHIO STATE UNIVERSITY COLLEGE OF 84375
VETERINARY MEDICINE SUPPLEMENT 84376

The foregoing appropriation item 235569, The Ohio State 84377
University College of Veterinary Medicine Supplement, shall be 84378
distributed through the Chancellor of Higher Education to The Ohio 84379
State University College of Veterinary Medicine to provide 84380
supplemental operating support. 84381

THE OHIO STATE UNIVERSITY CLINIC SUPPORT 84382

The foregoing appropriation item 235572, The Ohio State 84383
University Clinic Support, shall be distributed through the 84384
Chancellor of Higher Education to The Ohio State University for 84385
support of dental and veterinary medicine clinics. 84386

Section 381.373. CO-OP INTERNSHIP PROGRAM 84387

Of the foregoing appropriation item 235591, Co-op Internship 84388
Program, \$50,000 in each fiscal year shall be used to support the 84389
operations of Ohio University's Voinovich School. 84390

Of the foregoing appropriation item 235591, Co-op Internship 84391
Program, \$50,000 in each fiscal year shall be used to support the 84392
operations of The Ohio State University's John Glenn College of 84393
Public Affairs. 84394

Of the foregoing appropriation item 235591, Co-op Internship 84395
Program, \$50,000 in each fiscal year shall be used to support the 84396

Bliss Institute of Applied Politics at the University of Akron. 84397

Of the foregoing appropriation item 235591, Co-op Internship 84398
Program, \$50,000 in each fiscal year shall be used to support the 84399
Center for Public Management and Regional Affairs at Miami 84400
University. 84401

Of the foregoing appropriation item 235591, Co-op Internship 84402
Program, \$150,000 in each fiscal year shall be used to support 84403
students who attend institutions of higher education in Ohio and 84404
are participating in the Washington Center Internship Program. 84405

Of the foregoing appropriation item 235591, Co-op Internship 84406
Program, \$50,000 in each fiscal year shall be used to support the 84407
Ohio Center for the Advancement of Women in Public Service at the 84408
Maxine Goodman Levin College of Urban Affairs at Cleveland State 84409
University. 84410

Of the foregoing appropriation item 235591, Co-op Internship 84411
Program, \$50,000 in each fiscal year shall be used to support the 84412
University of Cincinnati Internship Program. 84413

Of the foregoing appropriation item 235591, Co-op Internship 84414
Program, \$50,000 in each fiscal year shall be used to support the 84415
operations of the Center for Regional Development at Bowling Green 84416
State University. 84417

Of the foregoing appropriation item 235591, Co-op Internship 84418
Program, \$50,000 in each fiscal year shall be used to support the 84419
operations of the Center for Liberal Arts Student Success at 84420
Wright State University. 84421

Of the foregoing appropriation item 235591, Co-op Internship 84422
Program, \$50,000 in each fiscal year shall be used to support the 84423
Kent State University Columbus Program. 84424

Of the foregoing appropriation item 235591, Co-op Internship 84425
Program, \$50,000 in each fiscal year shall be used to support the 84426

University of Toledo Urban Affairs Center. 84427

Of the foregoing appropriation item 235591, Co-op Internship 84428
Program, \$50,000 in each fiscal year shall be used to support the 84429
Center for Urban and Regional Studies at Youngstown State 84430
University. 84431

Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE 84432
SCHOLARSHIP AND RETENTION PROGRAM 84433

(A) The foregoing appropriation item 235597, High School STEM 84434
Innovation and Ohio College Scholarship and Retention Program, 84435
shall be distributed by the Chancellor of Higher Education to the 84436
Ohio Academy of Science, in collaboration with Entrepreneurial 84437
Engagement Ohio, for the continuing development and implementation 84438
of recommendations of the Ohio Board of Regents that seek to 84439
create an innovation pathway between Ohio's K-12 education system 84440
and Ohio's colleges and universities and post-secondary career 84441
centers and vocational schools. The purpose of this program is to 84442
create a "Culture of Innovation" in Ohio high schools, promote 84443
Ohio as a great place for high school students to continue their 84444
educations and careers, and to provide college scholarships to 84445
encourage Ohio's most innovative and entrepreneurial high school 84446
students to remain in Ohio by focusing on the practical 84447
application of science, technology, engineering, and mathematics, 84448
including related medicine, health and arts fields, and the 84449
development of an entrepreneurial mindset and critical thinking 84450
skills that will be needed by today's students in Ohio's 84451
innovation economy. 84452

(B) The High School STEM Innovation and Ohio College 84453
Scholarship and Retention Program shall: 84454

(1) Conduct STEM Innovation and Entrepreneurship forums at 84455
Ohio's universities and colleges for high school students and 84456
educators; 84457

(2) Develop an in-school STEM Innovation and Entrepreneurship Program and STEM Commercialization Plan and STEM Business Plan competitions that include student incentive awards for competition winners and related curriculum, content and other program support to teachers and students;

(3) Conduct a statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, or post-secondary career center;

(4) Conduct a statewide Innovation and Entrepreneurship Scholarship program that awards at least one scholarship to attend any Ohio college in each Ohio Senate and House District. Ohio high school students who have distinguished themselves in a significant STEM, entrepreneurship, or innovation program competition or accomplishment shall be eligible to apply for this scholarship program.

(C) All aspects of the High School STEM Innovation and Ohio College Scholarship and Retention Program shall be open to any Ohio high school student, with an emphasis on minority, rural and economically disadvantaged students.

(D) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program.

During each fiscal year, the Chancellor, as soon as possible after 84488
cancellation, may certify to the Director of Budget and Management 84489
the amount of canceled prior-year encumbrances in appropriation 84490
item 235599, National Guard Scholarship Program. Upon receipt of 84491
the certification, the Director of Budget and Management may 84492
transfer cash, up to the certified amount, from the General 84493
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 84494
5BM0). 84495

Section 381.390. PLEDGE OF FEES 84496

Any new pledge of fees, or new agreement for adjustment of 84497
fees, made in the biennium ending June 30, 2021, to secure bonds 84498
or notes of a state institution of higher education for a project 84499
for which bonds or notes were not outstanding on the effective 84500
date of this section or to secure a refund of prior debt that is 84501
anticipated to increase the total cost of retiring the original 84502
debt shall be effective only after approval by the Chancellor of 84503
Higher Education, unless approved in a previous biennium. 84504

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 84505
DEBT SERVICE 84506

The foregoing appropriation item 235909, Higher Education 84507
General Obligation Bond Debt Service, shall be used to pay all 84508
debt service and related financing costs during the period from 84509
July 1, 2019, through June 30, 2021, for obligations issued under 84510
sections 151.01 and 151.04 of the Revised Code. 84511

Section 381.410. SALES AND SERVICES 84512

The Chancellor of Higher Education is authorized to charge 84513
and accept payment for the provision of goods and services. Such 84514
charges shall be reasonably related to the cost of producing the 84515
goods and services. Except as otherwise provided by law, no 84516

charges may be levied for goods or services that are produced as 84517
part of the routine responsibilities or duties of the Chancellor. 84518
All revenues received by the Chancellor shall be deposited into 84519
Fund 4560, and may be used by the Chancellor to pay for the costs 84520
of producing the goods and services. 84521

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 84522
ADMINISTRATION 84523

The foregoing appropriation item 235602, Higher Educational 84524
Facility Commission Administration, shall be used by the 84525
Chancellor of Higher Education for operating expenses related to 84526
the Chancellor's support of the activities of the Ohio Higher 84527
Educational Facility Commission. Upon the request of the 84528
Chancellor, the Director of Budget and Management may transfer up 84529
to \$50,000 cash in each fiscal year from the HEFC Operating 84530
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 84531
4E80). 84532

Section 381.440. FEDERAL RESEARCH NETWORK 84533

The foregoing appropriation item 235654, Federal Research 84534
Network, shall be allocated to The Ohio State University to 84535
collaborate with federal installations in Ohio, state institutions 84536
of higher education as defined in section 3345.011 of the Revised 84537
Code, private nonprofit institutions of higher education holding 84538
certificates of authorization under Chapter 1713. of the Revised 84539
Code, and the private sector to align the state's research assets 84540
with emerging missions and job growth opportunities emanating from 84541
federal installations, strengthen related workforce development 84542
and technology commercialization programs, and better position the 84543
state's university system to directly impact new job creation in 84544
Ohio. A portion of the foregoing appropriation item 235654, 84545
Federal Research Network, shall be used to support the growth of 84546

small business federal contractors in the state and to expand the 84547
participation of Ohio businesses in the federal Small Business 84548
Innovation Research Program and related federal programs. 84549

On July 1, 2019, or as soon as possible thereafter, the 84550
Chancellor of Higher Education may certify to the Director of 84551
Budget and Management an amount up to the unexpended, unencumbered 84552
balance of the foregoing appropriation item, 235654, Federal 84553
Research Network, at the end of fiscal year 2019 to be 84554
reappropriated to fiscal year 2020. The amount certified is hereby 84555
reappropriated to the same appropriation item for fiscal year 84556
2020. 84557

Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 84558
REVOLVING LOAN PROGRAM 84559

The foregoing appropriation item 235684, OhioMeansJobs 84560
Workforce Development Revolving Loan Program, shall be used by the 84561
Chancellor of Higher Education to provide administrative support 84562
for the OhioMeansJobs Workforce Development Revolving Loan 84563
Program. 84564

The Chancellor of Higher Education and the Treasurer of State 84565
shall evaluate the OhioMeansJobs Workforce Development Revolving 84566
Loan Program and make recommendations to enhance the effectiveness 84567
of the program. The Chancellor and Treasurer of State shall issue 84568
a report of their findings and recommendations to the Governor and 84569
General Assembly by June 30, 2020. 84570

Section 381.460. OHIOCORPS PILOT PROGRAM 84571

Of the appropriation item 235594, OhioCorps Pilot Program, up 84572
to \$50,000 in each fiscal year shall be used by the Chancellor of 84573
Higher Education to implement and administer the OhioCorps Pilot 84574
Program pursuant to sections 3333.80 to 3333.802 of the Revised 84575
Code. 84576

The remainder of the appropriation item 235594, OhioCorps Pilot Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A)(4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs under section 3333.80 of the Revised Code.

On July 1, 2019, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2019 to be reappropriated to fiscal year 2020. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2020 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

On July 1, 2020, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the appropriation item, 235594, OhioCorps Pilot Program, at the end of fiscal year 2020 to be reappropriated to fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021 for purposes of providing funds to support mentorship programs under the OhioCorps Pilot Program.

Section 381.470. STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item

235618, State Financial Aid Reconciliation, from revenues received 84608
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 84609

Section 381.480. NURSING LOAN PROGRAM 84610

The foregoing appropriation item 235606, Nursing Loan 84611
Program, shall be used to administer the nurse education 84612
assistance program. 84613

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 84614

The foregoing appropriation items 235634, Research Incentive 84615
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 84616
shall be used by the Chancellor of Higher Education to advance 84617
collaborative research at institutions of higher education. Of the 84618
foregoing appropriation items 235634, Research Incentive Third 84619
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 84620
to \$2,000,000 in each fiscal year may be allocated toward research 84621
regarding the improvement of water quality, up to \$1,500,000 in 84622
each fiscal year may be allocated for spinal cord research, up to 84623
\$1,000,000 in each fiscal year may be allocated toward research 84624
regarding the reduction of infant mortality, up to \$1,000,000 in 84625
each fiscal year may be allocated toward research regarding opiate 84626
addiction issues in Ohio, up to \$750,000 in each fiscal year may 84627
be allocated toward research regarding cyber security initiatives, 84628
\$500,000 in each fiscal year shall be allocated to the Ohio 84629
Manufacturing and Innovation Center, up to \$300,000 in each fiscal 84630
year may be allocated toward the I-Corps@Ohio program, and up to 84631
\$200,000 in each fiscal year may be allocated toward the Ohio 84632
Innovation Exchange program. 84633

Section 381.530. VETERANS PREFERENCES 84634

The Chancellor of Higher Education shall work with the 84635
Department of Veterans Services to develop specific veterans 84636

preference guidelines for higher education institutions. These 84637
guidelines shall ensure that the institutions' hiring practices 84638
are in accordance with the intent of Ohio's veterans preference 84639
laws. 84640

Section 381.540. (A) As used in this section: 84641

(1) "Board of trustees" includes the managing authority of a 84642
university branch district. 84643

(2) "State institution of higher education" has the same 84644
meaning as in section 3345.011 of the Revised Code. 84645

(B) The board of trustees of any state institution of higher 84646
education, notwithstanding any rule of the institution to the 84647
contrary, may adopt a policy providing for mandatory furloughs of 84648
employees, including faculty, to achieve spending reductions 84649
necessitated by institutional budget deficits. 84650

Section 381.550. EFFICIENCY REPORTS 84651

In each fiscal year, the board of trustees of each public 84652
institution of higher education shall approve the institution's 84653
efficiency report submitted to the Chancellor of Higher Education 84654
under section 3333.95 of the Revised Code. 84655

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 84656

For each fiscal year, each institution of higher education 84657
that receives funds from the foregoing appropriation items 235515, 84658
Case Western Reserve University School of Medicine, 235519, Family 84659
Practice, 235525, Geriatric Medicine, 235526, Primary Care 84660
Residencies, 235536, The Ohio State University Clinical Teaching, 84661
235537, University of Cincinnati Clinical Teaching, 235538, 84662
University of Toledo Clinical Teaching, 235539, Wright State 84663
University Clinical Teaching, 235540, Ohio University Clinical 84664
Teaching, 235541, Northeast Ohio Medical University Clinical 84665

Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

Section 381.580. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.590. The Chancellor of Higher Education shall work with state institutions of higher education, as defined by section 3345.011 of the Revised Code, Ohio Technical Centers, as recognized by the Chancellor, and industry partners to develop program models that include project-based learning to increase continuing education and non-credit program offerings that lead to a credential in order to meet the state's in-demand job needs.

Section 381.610. HEALTH CARE WORKFORCE PREPARATION

The Chancellor of Higher Education shall establish the Ohio Physician and Allied Health Care Workforce Preparation Task Force to study, evaluate, and make recommendations with respect to health care workforce needs in Ohio. Topics considered by the task force may include, but not be limited to, physician, nursing, and allied health care education programs and health care workforce shortages in Ohio. The Chancellor shall appoint task force members with representation from the State Medical Board, medical school deans, hospital administrators, physician and nursing organizations, federally qualified health centers, and other

allied health personnel as the Chancellor may decide. The task 84696
force shall convene as soon as practicable and issue a report to 84697
the Governor, the Speaker and Minority Leader of the House of 84698
Representatives, and the President and Minority Leader of the 84699
Senate by March 1, 2020. 84700

Section 381.620. FUND NAME CHANGES 84701

On July 1, 2019, or as soon as possible thereafter, the 84702
Director of Budget and Management shall rename the SchoolNet Fees 84703
Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 84704

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 84705

CORRECTION 84706

General Revenue Fund 84707

GRF 501321 Institutional \$ 1,126,589,266 \$ 1,167,132,362 84708
Operations

GRF 501405 Halfway House \$ 69,440,618 \$ 74,922,786 84709

GRF 501406 Adult Correctional \$ 64,797,700 \$ 72,940,500 84710
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 59,410,711 \$ 61,966,863 84711
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 9,356,800 \$ 9,356,800 84712
Programs

GRF 501501 Community Residential \$ 83,072,332 \$ 84,758,355 84713
Programs - Community
Based Correctional
Facilities

GRF 503321 Parole and Community \$ 86,373,348 \$ 88,673,763 84714
Operations

GRF 504321 Administrative \$ 24,909,617 \$ 24,800,000 84715

		Operations				
GRF	505321	Institution Medical	\$	283,935,623	\$	295,579,451 84716
		Services				
GRF	506321	Institution Education	\$	34,961,767	\$	33,950,000 84717
		Services				
TOTAL GRF	General Revenue Fund		\$	1,842,847,782	\$	1,914,080,880 84718
	Dedicated Purpose Fund Group					84719
4B00	501601	Sewer Treatment	\$	1,759,683	\$	1,800,000 84720
		Services				
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 84721
4L40	501604	Transitional Control	\$	2,449,420	\$	2,450,000 84722
4S50	501608	Education Services	\$	4,546,081	\$	4,660,000 84723
5AF0	501609	State and Non-Federal	\$	1,375,000	\$	2,375,000 84724
		Awards				
5H80	501617	Offender Financial	\$	2,610,000	\$	1,860,000 84725
		Responsibility				
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000 84726
		and Incentive Grants				
TOTAL DPF	Dedicated Purpose Fund		\$	18,140,184	\$	18,545,000 84727
	Group					
	Internal Service Activity Fund Group					84728
1480	501602	Institutional	\$	2,925,000	\$	2,850,000 84729
		Services				
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000 84730
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 84731
		Maintenance and				
		Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 84732
		Maintenance and				
		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 84733
		Technology Services				

TOTAL ISA Internal Activity				84734	
Fund Group	\$	53,458,957	\$	52,845,000	84735
Federal Fund Group				84736	
3230 501619 Federal Grants	\$	1,566,734	\$	1,540,000	84737
3CW0 501622 Federal Equitable	\$	450,000	\$	450,000	84738
Sharing					
TOTAL FED Federal				84739	
Fund Group	\$	2,016,734	\$	1,990,000	84740
TOTAL ALL BUDGET FUND GROUPS	\$	1,916,463,657	\$	1,987,460,880	84741
OSU MEDICAL CHARGES				84742	
Notwithstanding section 341.192 of the Revised Code, at the				84743	
request of the Department of Rehabilitation and Correction, the				84744	
Ohio State University Medical Center, including the Arthur G.				84745	
James Cancer Hospital and Richard J. Solove Research Institute and				84746	
the Richard M. Ross Heart Hospital, shall provide necessary care				84747	
to persons who are confined in state adult correctional				84748	
facilities. The provision of necessary inpatient care billed to				84749	
the Department shall be reimbursed at a rate not to exceed the				84750	
authorized reimbursement rate for the same service established by				84751	
the Department of Medicaid under the Medicaid Program.				84752	
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS				84753	
The foregoing appropriation item 501406, Adult Correctional				84754	
Facilities Lease Rental Bond Payments, shall be used to meet all				84755	
payments during the period from July 1, 2019, through June 30,				84756	
2021, by the Department of Rehabilitation and Correction pursuant				84757	
to leases and agreements for facilities made under Chapters 152.				84758	
and 154. of the Revised Code. These appropriations are the source				84759	
of funds pledged for bond service charges on related obligations				84760	
issued under Chapters 152. and 154. of the Revised Code.				84761	
COMMUNITY BASED CORRECTIONAL FACILITIES				84762	
Of the foregoing appropriation item 501501, Community				84763	

Residential Programs - Community Based Correctional Facilities, 84764
\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021 84765
shall be used to support staff retention for community based 84766
correctional facilities. 84767

REENTRY EMPLOYMENT GRANTS 84768

(A) Of the foregoing appropriation item 503321, Parole and 84769
Community Operations, \$250,000 in each fiscal year shall be used 84770
by the Department of Rehabilitation and Correction to create and 84771
implement a program to award grants to at least one nonprofit 84772
organization that operates reentry employment programs that meet 84773
all of the following criteria: 84774

(1) Serve parolees, releasees, and probationers assessed by 84775
the Department as moderate or high risk to recidivate and referred 84776
by the Adult Parole Authority or probation for services; 84777

(2) Provide job readiness training, transitional employment, 84778
job coaching and placement, and post-placement retention services; 84779

(3) Have been independently and rigorously evaluated and 84780
shown to reduce recidivism; 84781

(4) Have the ability to serve multiple large jurisdictions 84782
across the state. 84783

(B) The Department shall establish guidelines, procedures, 84784
all forms by which applicants may apply for grants, and 84785
outcome-based criteria upon which performance, under the terms of 84786
the grant awards, is evaluated. The outcomes, as defined by the 84787
Department, should include enrollment, job placement, and job 84788
retention. 84789

INSTITUTION EDUCATION SERVICES 84790

Of the foregoing appropriation item 506321, Institution 84791
Education Services, \$1,450,000 in each fiscal year shall be used 84792
to pay for the costs associated with providing postsecondary 84793

education programs to eligible students. 84794

Of the foregoing appropriation item 506321, Institution 84795
Education Services, \$329,293 in each fiscal year shall be used to 84796
pay for the costs to expand the current certificate offering for 84797
students eligible for postsecondary education programs to attain 84798
degree credentials in employment fields of study. 84799

Of the foregoing appropriation item 506321, Institution 84800
Education Services, up to \$620,500 in each fiscal year shall be 84801
used to pay for the costs to expand postsecondary education 84802
programing to security level 3 and 4 correctional institutions. 84803
Notwithstanding any provision of law to the contrary, the Director 84804
of Rehabilitation and Correction shall have sole discretion on the 84805
allocation these funds based upon needs of the security level 3 84806
and 4 correctional institutions and those individuals classified 84807
as such. Any unused balance in each fiscal year may be used to 84808
cover the costs of postsecondary education programs other than 84809
security level 3 and 4 correctional institutions or individuals 84810
classified as such. 84811

Of the foregoing appropriation item 506321, Institution 84812
Education Services, \$192,490 in each fiscal year shall be used to 84813
pay for the costs associated with increasing tuition for 84814
postsecondary education programming by 5 per cent. 84815

Of the foregoing appropriation item 506321, Institution 84816
Education Services, \$1,308,500 in fiscal year 2020 shall be used 84817
for the Ashland University Correctional Education Expansion 84818
Program. 84819

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 84820

The foregoing appropriation item 501610, Probation 84821
Improvement and Incentive Grants, shall be allocated by the 84822
Department of Rehabilitation and Correction to municipalities as 84823
Probation Improvement and Incentive Grants with an emphasis on: 84824

(1) providing services to those addicted to opiates and other	84825
illegal substances, and (2) supplementing the programs and	84826
services funded by grants distributed from the foregoing	84827
appropriation item 501407, Community Nonresidential Programs.	84828

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 84829

General Revenue Fund Group 84830

GRF 110908	Property Tax	\$ 644,885,000	\$ 650,342,850	84831
	Reimbursement - Local Government			

GRF 200903	Property Tax	\$ 1,197,715,000	\$ 1,207,908,150	84832
	Reimbursement - Education			

TOTAL GRF General Revenue Fund Group		\$ 1,842,600,000	\$ 1,858,251,000	84833
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Revenue Distribution Fund Group 84834

5JG0 110633	Gross Casino Revenue	\$ 144,150,000	\$ 147,030,000	84835
	Payments-County			

5JH0 110634	Gross Casino Revenue	\$ 95,880,000	\$ 97,800,000	84836
	Payments- School Districts			

5JJ0 110636	Gross Casino Revenue	\$ 14,150,000	\$ 14,430,000	84837
	- Host City			

7047 200902	Property Tax	\$ 135,105,080	\$ 111,196,773	84838
	Replacement Phase Out-Education			

7049 336900	Indigent Drivers	\$ 2,250,000	\$ 2,250,000	84839
	Alcohol Treatment			

7050 762900	International	\$ 23,000,000	\$ 23,000,000	84840
	Registration Plan Distribution			

7051 762901	Auto Registration	\$ 328,000,000	\$ 328,000,000	84841
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		Distribution				
7060	110960	Gasoline Excise Tax	\$	576,000,000	\$	576,000,000 84842
		Fund				
7065	110965	Public Library Fund	\$	422,300,000	\$	430,000,000 84843
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 84844
		Permits				
7069	110969	Local Government Fund	\$	417,300,000	\$	424,900,000 84845
7081	110907	Property Tax	\$	11,804,000	\$	8,620,000 84846
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 84847
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 84848
		TOTAL RDF Revenue Distribution				84849
		Fund Group	\$	2,185,599,080	\$	2,178,886,773 84850
		Fiduciary Fund Group				84851
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 84852
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000 84853
		Tax				
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000 84854
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 84855
		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000 84856
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$	2,733,517,000	\$	2,815,522,510 84857
		Distribution				
7067	110967	School District	\$	469,248,000	\$	488,017,920 84858
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000 84859
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000 84860

7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	84861
		Government Assistance					
7095	110995	Municipal Income Tax	\$	15,000,000	\$	15,000,000	84862
7099	762902	Permissive Tax	\$	213,100,000	\$	222,700,000	84863
		Distribution - Auto					
		Registration					
TOTAL FID	Fiduciary Fund Group		\$	3,632,405,000	\$	3,767,780,430	84864
	Holding Account Fund Group						84865
R045	110617	International Fuel	\$	56,100,000	\$	56,100,000	84866
		Tax Distribution					
TOTAL HLD	Holding Account Fund		\$	56,100,000	\$	56,100,000	84867
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	7,716,704,080	\$	7,861,018,203	84868

Section 387.20. ADDITIONAL APPROPRIATIONS 84870

Appropriation items in Section 387.10 of this act shall be 84871
used for the purpose of administering and distributing the 84872
designated revenue distribution funds according to the Revised 84873
Code. If it is determined that additional appropriations are 84874
necessary for this purpose in any appropriation items in Section 84875
387.10 of this act, such amounts are hereby appropriated. 84876

GENERAL REVENUE FUND TRANSFERS 84877

Notwithstanding any provision of law to the contrary, in 84878
fiscal year 2020 and fiscal year 2021, the Director of Budget and 84879
Management may transfer from the General Revenue Fund to the Local 84880
Government Tangible Property Tax Replacement Fund (Fund 7081) and 84881
the School District Tangible Property Tax Replacement Fund (Fund 84882
7047) in the Revenue Distribution Fund Group, those amounts 84883
necessary to reimburse local taxing units and school districts 84884
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 84885
fiscal year 2020 and fiscal year 2021, the Director of Budget and 84886
Management may make temporary transfers from the General Revenue 84887

Fund to ensure sufficient balances in the Local Government 84888
Tangible Property Tax Replacement Fund (Fund 7081) and the School 84889
District Tangible Property Tax Replacement Fund (Fund 7047) and to 84890
replenish the General Revenue Fund for such transfers. 84891

PROPERTY TAX REIMBURSEMENT - EDUCATION 84892

The foregoing appropriation item 200903, Property Tax 84893
Reimbursement - Education, is appropriated to pay for the state's 84894
costs incurred because of the homestead exemption, the property 84895
tax rollback, and payments required under division (C) of section 84896
5705.2110 of the Revised Code. In cooperation with the Department 84897
of Taxation, the Department of Education shall distribute these 84898
funds directly to the appropriate school districts of the state, 84899
notwithstanding sections 321.24 and 323.156 of the Revised Code, 84900
which provide for payment of the homestead exemption and property 84901
tax rollback by the Tax Commissioner to the appropriate county 84902
treasurer and the subsequent redistribution of these funds to the 84903
appropriate local taxing districts by the county auditor. 84904

Upon receipt of these amounts, each school district shall 84905
distribute the amount among the proper funds as if it had been 84906
paid as real or tangible personal property taxes. Payments for the 84907
costs of administration shall continue to be paid to the county 84908
treasurer and county auditor as provided for in sections 319.54, 84909
321.26, and 323.156 of the Revised Code. 84910

Any sums, in addition to the amount specifically appropriated 84911
in appropriation item 200903, Property Tax Reimbursement - 84912
Education, for the homestead exemption and the property tax 84913
rollback payments, and payments required under division (C) of 84914
section 5705.2110 of the Revised Code, which are determined to be 84915
necessary for these purposes, are hereby appropriated. 84916

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 84917

The foregoing appropriation item 110908, Property Tax 84918

Reimbursement-Local Government, is hereby appropriated to pay for 84919
the state's costs incurred due to the Homestead Exemption, the 84920
Manufactured Home Property Tax Rollback, and the Property Tax 84921
Rollback. The Tax Commissioner shall distribute these funds 84922
directly to the appropriate local taxing districts, except for 84923
school districts, notwithstanding the provisions in sections 84924
321.24 and 323.156 of the Revised Code, which provide for payment 84925
of the Homestead Exemption, the Manufactured Home Property Tax 84926
Rollback, and Property Tax Rollback by the Tax Commissioner to the 84927
appropriate county treasurer and the subsequent redistribution of 84928
these funds to the appropriate local taxing districts by the 84929
county auditor. 84930

Upon receipt of these amounts, each local taxing district 84931
shall distribute the amount among the proper funds as if it had 84932
been paid as real property taxes. Payments for the costs of 84933
administration shall continue to be paid to the county treasurer 84934
and county auditor as provided for in sections 319.54, 321.26, and 84935
323.156 of the Revised Code. 84936

Any sums, in addition to the amounts specifically 84937
appropriated in appropriation item 110908, Property Tax Allocation 84938
- Local Government, for the Homestead Exemption, the Manufactured 84939
Home Property Tax Rollback, and the Property Tax Rollback 84940
payments, which are determined to be necessary for these purposes, 84941
are hereby appropriated. 84942

PUBLIC LIBRARY FUND 84943

Notwithstanding the requirement in division (B) of section 84944
131.51 of the Revised Code that the Director of Budget and 84945
Management shall credit to the Public Library Fund one and 84946
sixty-six one-hundredths per cent of the total tax revenue 84947
credited to the General Revenue Fund during the preceding month, 84948
the Director shall instead calculate these amounts during fiscal 84949
year 2020 and fiscal year 2021 using one and seven-tenths as the 84950

percentage. 84951

LOCAL GOVERNMENT FUND 84952

Notwithstanding the requirement in division (A) of section 84953
131.51 of the Revised Code that the Director of Budget and 84954
Management shall credit to the Local Government Fund one and 84955
sixty-six one-hundredths per cent of the total tax revenue 84956
credited to the General Revenue Fund during the preceding month, 84957
the Director shall instead calculate these amounts during fiscal 84958
year 2020 and fiscal year 2021 using one and sixty-eight 84959
one-hundredths as the percentage. 84960

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 84961

Notwithstanding any provision of law to the contrary, in 84962
fiscal years 2020 and 2021, any city, local, or exempted village 84963
school district that has a nuclear power plant located within its 84964
territory shall receive the same payment amount under section 84965
5709.92 of the Revised Code as in fiscal year 2017. 84966

MUNICIPAL INCOME TAX 84967

The foregoing appropriation item 110995, Municipal Income 84968
Tax, shall be used to make payments to municipal corporations 84969
under section 5745.05 of the Revised Code. If it is determined 84970
that additional appropriations are necessary to make such 84971
payments, such amounts are hereby appropriated. 84972

MUNICIPAL NET PROFIT TAX 84973

The foregoing appropriation item 110902, Municipal Net Profit 84974
Tax, shall be used to make payments to municipal corporations 84975
under section 718.83 of the Revised Code. If it is determined that 84976
additional amounts are necessary to make such payments, such 84977
amounts are hereby appropriated. 84978

During fiscal year 2020 and fiscal year 2021, if the Tax 84979
Commissioner determines that there is insufficient cash in the 84980

Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 84981
distribution obligations under section 718.83 of the Revised Code, 84982
the Tax Commissioner shall certify to the Director of Budget and 84983
Management the amount of additional cash necessary to satisfy 84984
those obligations. In addition, the Commissioner shall submit a 84985
plan to the Director requesting the necessary cash be transferred 84986
from one or a combination of the following funds: the Municipal 84987
Income Tax Administrative Fund, the Local Sales Tax Administrative 84988
Fund, the General School District Income Tax Administrative Fund, 84989
the Motor Fuel Tax Administrative Fund, the Property Tax 84990
Administrative Fund, or the General Revenue Fund. This plan shall 84991
include a proposed repayment schedule to reimburse those funds for 84992
any cash transferred in accordance with this section. After 84993
receiving the certification and funding plan from the Tax 84994
Commissioner and if the Director determines that sufficient cash 84995
is available, the Director may transfer the cash to the Municipal 84996
Net Profit Tax Fund in accordance with the plan submitted by the 84997
Tax Commissioner or as otherwise determined by the Director of 84998
Budget and Management. The Director of Budget and Management may 84999
transfer cash from the Municipal Net Profit Tax Fund to reimburse 85000
the funds from which cash was transferred for the purpose outlined 85001
in this section. 85002

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 85003

General Revenue Fund 85004
GRF 226321 Operations \$ 12,440,519 \$ 12,576,088 85005
TOTAL GRF General Revenue Fund \$ 12,440,519 \$ 12,576,088 85006
Dedicated Purpose Fund Group 85007
4H80 226602 Education Reform \$ 200,000 \$ 200,000 85008
Grants
4M50 226601 Work Study and \$ 299,645 \$ 300,000 85009
Technology Investment

5NJ0	226622	Food Service Program	\$	10,162	\$	10,500	85010
TOTAL DPF Dedicated Purpose							85011
Fund Group							85012
Federal Fund Group							85013
3100	226626	Federal Grants	\$	773,386	\$	778,500	85014
3DT0	226621	Ohio Transition	\$	260,369	\$	265,000	85015
Collaborative							
3P50	226643	Medicaid Professional	\$	100,000	\$	100,000	85016
Services							
Reimbursement							
TOTAL FED Federal Fund Group							85017
TOTAL ALL BUDGET FUND GROUPS							85018

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 85020

General Revenue Fund							85021
GRF	221321	Operations	\$	13,082,919	\$	13,594,347	85022
TOTAL GRF General Revenue Fund							85023
Dedicated Purpose Fund Group							85024
4M00	221601	Educational Program	\$	99,025	\$	101,000	85025
Expenses							
4M10	221602	Education Reform	\$	200,000	\$	200,000	85026
Grants							
5H60	221609	Even Start Fees and	\$	60,941	\$	63,000	85027
Gifts							
5NK0	221610	Food Service Program	\$	10,244	\$	10,500	85028
TOTAL DPF Dedicated Purpose							85029
Fund Group							85030
Federal Fund Group							85031
3110	221625	Federal Grants	\$	279,550	\$	281,000	85032
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000	85033
Services							
Reimbursement							

TOTAL FED Federal Fund Group	\$	485,550	\$	487,000	85034
TOTAL ALL BUDGET FUND GROUPS	\$	13,938,679	\$	14,455,847	85035
Section 395.10. SOS SECRETARY OF STATE					85037
General Revenue Fund					85038
GRF 050321 Operating Expenses	\$	1,750,000	\$	1,750,000	85039
GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	85040
GRF 050509 County Voting Systems	\$	10,116,000	\$	12,279,200	85041
Lease Rental Payments					
TOTAL GRF General Revenue Fund	\$	12,100,196	\$	14,263,396	85042
Dedicated Purpose Fund Group					85043
4120 050609 Notary Commission	\$	475,000	\$	475,000	85044
4S80 050610 Board of Voting	\$	7,200	\$	7,200	85045
Machine Examiners					
5990 050603 Business Services	\$	13,961,351	\$	14,310,430	85046
Operating Expenses					
5990 050629 Statewide Voter	\$	700,000	\$	700,000	85047
Registration Database					
5990 050630 Elections Support	\$	2,209,204	\$	2,288,196	85048
Supplement					
5FG0 050620 BOE Reimbursement and	\$	200,000	\$	200,000	85049
Education					
5SN0 050626 Address	\$	100,000	\$	100,000	85050
Confidentiality					
TOTAL DPF Dedicated Purpose Fund	\$	17,652,755	\$	18,080,826	85051
Group					
Holding Account Fund Group					85052
R002 050606 Corporate/Business	\$	85,000	\$	85,000	85053
Filing Refunds					
TOTAL HLD Holding Account Fund	\$	85,000	\$	85,000	85054
Group					
Federal Fund Group					85055

3AS0 050616	Help America Vote Act	\$	2,740,000	\$	1,750,000	85056
	(HAVA)					
TOTAL FED	Federal Fund Group	\$	2,740,000	\$	1,750,000	85057
TOTAL ALL BUDGET FUND GROUPS		\$	32,577,951	\$	34,179,222	85058

Section 395.20. POLL WORKERS TRAINING 85060

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose. 85061
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COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 85068

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 85069
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BOARD OF VOTING MACHINE EXAMINERS 85076

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management 85077
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approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated. 85087
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BALLOT ADVERTISING COSTS 85089

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives. 85090
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ABSENT VOTER'S BALLOT APPLICATION MAILING 85097

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2020. 85098
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ADDRESS CONFIDENTIALITY PROGRAM 85106

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0). 85107
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CORPORATE/BUSINESS FILING REFUNDS 85111

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may 85112
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request that the Director of Budget and Management approve such 85117
amounts. Upon approval of the Director of Budget and Management, 85118
such amounts are hereby appropriated. 85119

HAVA FUNDS 85120

An amount equal to the unexpended, unencumbered portion of 85121
appropriation item 050616, Help America Vote Act (HAVA), at the 85122
end of fiscal year 2019 is hereby reappropriated for the same 85123
purpose in fiscal year 2020. 85124

An amount equal to the unexpended, unencumbered portion of 85125
appropriation item 050616, Help America Vote Act (HAVA), at the 85126
end of fiscal year 2020 is hereby reappropriated for the same 85127
purpose in fiscal year 2021. 85128

Section 397.10. SEN THE OHIO SENATE 85129

General Revenue Fund 85130

GRF 020321	Operating Expenses	\$	15,902,029	\$	15,902,029	85131
TOTAL GRF	General Revenue Fund	\$	15,902,029	\$	15,902,029	85132

Internal Service Activity Fund Group 85133

1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	85134
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4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	85135
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TOTAL ISA	Internal Service Activity					85136
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Fund Group		\$	460,297	\$	460,297	85137
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TOTAL ALL BUDGET FUND GROUPS		\$	16,362,326	\$	16,362,326	85138
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OPERATING EXPENSES 85139

On July 1, 2019, or as soon as possible thereafter, the Clerk 85140
of the Senate may certify to the Director of Budget and Management 85141
an amount up to the unexpended, unencumbered balance of the 85142
foregoing appropriation item 020321, Operating Expenses, at the 85143
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 85144
The amount certified is hereby reappropriated to the same 85145
appropriation item for fiscal year 2020. 85146

On July 1, 2020, or as soon as possible thereafter, the Clerk 85147
of the Senate may certify to the Director of Budget and Management 85148
an amount up to the unexpended, unencumbered balance of the 85149
foregoing appropriation item 020321, Operating Expenses, at the 85150
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 85151
The amount certified is hereby reappropriated to the same 85152
appropriation item for fiscal year 2021. 85153

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 85154

General Revenue Fund 85155

GRF 866321	CSV Operations	\$	307,176	\$	305,971	85156
TOTAL GRF	General Revenue Fund	\$	307,176	\$	305,971	85157

Dedicated Purpose Fund Group 85158

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	85159
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	85160

Group

Federal Fund Group 85161

3R70 866617	AmeriCorps Programs	\$	9,649,635	\$	9,671,749	85162
TOTAL FED	Federal Fund Group	\$	9,649,635	\$	9,671,749	85163
TOTAL ALL BUDGET FUND GROUPS		\$	9,986,811	\$	10,007,720	85164

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 85166

Debt Service Fund Group 85167

7070 155905	Third Frontier	\$	84,181,400	\$	87,403,000	85168
	Research and					
	Development Bond					
	Retirement Fund					

7072 155902	Highway Capital	\$	152,796,000	\$	164,693,700	85169
	Improvement Bond					
	Retirement Fund					

7073 155903	Natural Resources Bond	\$	20,359,800	\$	20,420,700	85170
	Retirement Fund					

7074	155904	Conservation Projects Bond Retirement Fund	\$ 44,218,800	\$ 44,394,800	85171
7076	155906	Coal Research and Development Bond Retirement Fund	\$ 8,123,100	\$ 7,682,600	85172
7077	155907	State Capital Improvement Bond Retirement Fund	\$ 229,338,800	\$ 231,754,500	85173
7078	155908	Common Schools Bond Retirement Fund	\$ 410,259,800	\$ 424,825,900	85174
7079	155909	Higher Education Bond Retirement Fund	\$ 323,545,500	\$ 348,550,200	85175
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$ 5,092,400	\$ 5,586,600	85176
7090	155912	Job Ready Site Development Bond Retirement Fund	\$ 15,516,000	\$ 9,879,900	85177
TOTAL DSF Debt Service Fund Group			\$ 1,293,431,600	\$ 1,345,191,900	85178
TOTAL ALL BUDGET FUND GROUPS			\$ 1,293,431,600	\$ 1,345,191,900	85179
ADDITIONAL APPROPRIATIONS					85180
Appropriation items in this section are for the purpose of					85181
paying debt service and financing costs during the period from					85182
July 1, 2019, through June 30, 2021, on bonds or notes of the					85183
state issued under the Ohio Constitution, Revised Code, and acts					85184
of the General Assembly. If it is determined that additional					85185
amounts are necessary for this purpose, such amounts are hereby					85186
appropriated.					85187
Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					85188
DEVELOPMENT FOUNDATION					85189

Dedicated Purpose Fund Group				85190
5M90 945601 Operating Expenses	\$	294,906	\$ 300,910	85191
TOTAL DPF Dedicated Purpose Fund Group	\$	294,906	\$ 300,910	85192
TOTAL ALL BUDGET FUND GROUPS	\$	294,906	\$ 300,910	85193
 Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD				85195
Dedicated Purpose Fund Group				85196
4K90 123609 Operating Expenses	\$	620,000	\$ 636,709	85197
TOTAL DPF Dedicated Purpose Fund Group	\$	620,000	\$ 636,709	85198
TOTAL ALL BUDGET FUND GROUPS	\$	620,000	\$ 636,709	85199
 Section 407.10. BTA BOARD OF TAX APPEALS				85200
General Revenue Fund				85201
GRF 116321 Operating Expenses	\$	1,845,494	\$ 1,857,751	85202
TOTAL GRF General Revenue Fund	\$	1,845,494	\$ 1,857,751	85203
TOTAL ALL BUDGET FUND GROUPS	\$	1,845,494	\$ 1,857,751	85204
 Section 409.10. TAX DEPARTMENT OF TAXATION				85205
General Revenue Fund				85206
GRF 110321 Operating Expenses	\$	61,292,238	\$ 62,378,576	85207
GRF 110404 Tobacco Settlement Enforcement	\$	145,479	\$ 150,810	85208
TOTAL GRF General Revenue Fund	\$	61,437,717	\$ 62,529,386	85209
Dedicated Purpose Fund Group				85210
2280 110628 CAT Administration	\$	13,872,268	\$ 14,254,131	85211
4350 110607 Local Tax Administration	\$	30,409,575	\$ 31,020,628	85212
4360 110608 Motor Vehicle Audit Administration	\$	1,982,731	\$ 2,000,000	85213

4380	110609	School District Income Tax Administration	\$	9,027,264	\$	9,200,001	85217
4C60	110616	International Registration Plan Administration	\$	683,494	\$	705,869	85218
4R60	110610	Tire Tax Administration	\$	177,706	\$	180,000	85219
5BP0	110639	Wireless 9-1-1 Administration	\$	296,210	\$	298,794	85220
5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000	85221
5N50	110605	Municipal Income Tax Administration	\$	400,000	\$	400,000	85222
5N60	110618	Kilowatt Hour Tax Administration	\$	96,954	\$	100,000	85223
5NY0	110643	Petroleum Activity Tax Administration	\$	992,581	\$	1,000,000	85224
5V70	110622	Motor Fuel Tax Administration	\$	5,899,525	\$	6,000,000	85225
5V80	110623	Property Tax Administration	\$	5,872,025	\$	6,000,000	85226
6390	110614	Cigarette Tax Enforcement	\$	1,548,152	\$	1,599,999	85227
6880	110615	Local Excise Tax Administration	\$	588,213	\$	600,000	85228
TOTAL	DPF	Dedicated Purpose Fund Group	\$	71,971,698	\$	73,484,422	85229
		Fiduciary Fund Group					85230
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300	85231
5CZ0	110631	Vendor's License Application	\$	380,000	\$	380,000	85232
6420	110613	Ohio Political Party	\$	180,000	\$	0	85233

Distributions

TOTAL FID Fiduciary Fund Group	\$ 2,205,863,300	\$ 2,180,149,300	85234
Holding Account Fund Group			85235
R010 110611 Tax Distributions	\$ 25,000	\$ 25,000	85236
R011 110612 Miscellaneous Income	\$ 500	\$ 500	85237
Tax Receipts			
TOTAL HLD Holding Account Fund Group	\$ 25,500	\$ 25,500	85238
TOTAL ALL BUDGET FUND GROUPS	\$ 2,339,298,215	\$ 2,316,188,608	85239

Section 409.20. TAX REFUNDS 85241

The foregoing appropriation item 110635, Tax Refunds, shall 85242
be used to pay refunds under section 5703.052 of the Revised Code. 85243
If it is determined that additional appropriations are necessary 85244
for this purpose, such amounts are hereby appropriated. 85245

VENDOR'S LICENSE PAYMENTS 85246

The foregoing appropriation item 110631, Vendor's License 85247
Application, shall be used to make payments to county auditors 85248
under section 5739.17 of the Revised Code. If it is determined 85249
that additional appropriations are necessary to make such 85250
payments, such amounts are hereby appropriated. 85251

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 85252

The foregoing appropriation item 110616, International 85253
Registration Plan Administration, shall be used under section 85254
5703.12 of the Revised Code for audits of persons with vehicles 85255
registered under the International Registration Plan. 85256

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 85257

Of the foregoing appropriation item 110607, Local Tax 85258
Administration, the Tax Commissioner may disburse funds, if 85259
available, for the purposes of paying travel expenses incurred by 85260
members of Ohio's delegation to the Streamlined Sales Tax Project, 85261

as appointed under section 5740.02 of the Revised Code. Any travel 85262
expense reimbursement paid for by the Department of Taxation shall 85263
be done in accordance with applicable state laws and guidelines. 85264

TOBACCO SETTLEMENT ENFORCEMENT 85265

The foregoing appropriation item 110404, Tobacco Settlement 85266
Enforcement, shall be used by the Tax Commissioner to pay costs 85267
incurred in the enforcement of divisions (F) and (G) of section 85268
5743.03 of the Revised Code. 85269

PROPERTY TAX ADMINISTRATION 85270

Notwithstanding section 5703.80 or division (F) of section 85271
321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax 85272
Commissioner shall not compute or certify the amounts calculated 85273
under divisions (A) and (B) of that section as amended by this 85274
act. The Director of Budget and Management shall not transfer any 85275
amounts from the General Revenue Fund to the Property Tax 85276
Administration Fund in fiscal year 2020 or fiscal year 2021. In 85277
fiscal years 2020 and 2021, the Tax Commissioner shall not 85278
subtract any amounts computed under section 5703.80 of the Revised 85279
Code, as amended by this act, from the payments made from the 85280
General Revenue Fund to county treasurers under division (F) of 85281
section 321.24 of the Revised Code. 85282

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 85283

General Revenue Fund 85284

GRF 772502 Local Transportation \$ 25,000 \$ 25,000 85285

Projects

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 85286

GRF 777471 Airport Improvements \$ 6,419,687 \$ 6,669,687 85287

- State

TOTAL GRF General Revenue Fund \$ 8,444,687 \$ 8,694,687 85288

Dedicated Purpose Fund Group 85289

5QT0 776670	Ohio Maritime	\$	11,000,000	\$	12,000,000	85290
	Assistance Program					
TOTAL DPF	Dedicated Purpose Fund	\$	11,000,000	\$	12,000,000	85291
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	19,444,687	\$	20,694,687	85292

Section 411.15. LOCAL TRANSPORTATION PROJECTS 85294

The foregoing appropriation item 772502, Local Transportation 85295
Projects, shall be used to support the Regional Transportation 85296
Improvement Project in Stark, Columbiana, and Carroll counties. 85297

Section 411.17. AIRPORT IMPROVEMENTS - STATE 85298

The foregoing appropriation item 777471, Airport Improvements 85299
- State, shall be used for the Ohio Airport Grant Program in 85300
supporting capital improvements, maintaining infrastructure, and 85301
ensuring safety at publicly owned, public use airports in the 85302
state, provided that all Ohio airports are eligible for grants, 85303
including commercial service airports and cargo-dedicated 85304
airports. 85305

Section 411.20. OHIO MARITIME ASSISTANCE PROGRAM 85306

The foregoing appropriation item 776670, Ohio Maritime 85307
Assistance Program, shall be used for the Ohio Maritime Assistance 85308
Program established in section 5501.91 of the Revised Code. 85309

Notwithstanding anything to the contrary in Chapter 166. of 85310
the Revised Code, the Director of Budget and Management shall 85311
transfer \$11,000,000 cash in fiscal year 2020 and \$12,000,000 cash 85312
in fiscal year 2021 from the Facilities Establishment Fund (Fund 85313
7037) to the Ohio Maritime Assistance Fund (Fund 5QT0), which is 85314
hereby created. 85315

Section 413.10. TOS TREASURER OF STATE 85316

General Revenue Fund					85317	
GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839	85318
GRF 090401	Office of the Sinking Fund	\$	476,836	\$	476,836	85319
GRF 090402	Continuing Education	\$	175,000	\$	175,000	85320
GRF 090406	Treasury Management System Lease Rental Payments	\$	1,113,400	\$	1,115,000	85321
GRF 090613	STABLE Account Administration	\$	1,660,000	\$	1,660,000	85322
TOTAL GRF General Revenue Fund		\$	11,463,075	\$	11,464,675	85323
Dedicated Purpose Fund Group						85324
4E90 090603	Securities Lending Income	\$	7,480,675	\$	7,843,565	85325
4X90 090614	Political Subdivision Obligation	\$	45,000	\$	45,000	85326
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	85327
5C50 090602	County Treasurer Education	\$	240,057	\$	240,057	85328
5NH0 090610	OhioMeansJobs Workforce Development	\$	13,107,584	\$	0	85329
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	85330
TOTAL DPF Dedicated Purpose Fund Group		\$	22,623,316	\$	9,878,622	85331 85332
Fiduciary Fund Group						85333
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	85334
TOTAL FID Fiduciary Fund Group		\$	12,000,000	\$	12,000,000	85335
TOTAL ALL BUDGET FUND GROUPS		\$	46,086,391	\$	33,343,297	85336
Section 413.20. OFFICE OF THE SINKING FUND						85338

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

STABLE ACCOUNT ADMINISTRATION

The foregoing appropriation item 090613, STABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 85370
PAYMENTS 85371

The foregoing appropriation item 090406, Treasury Management 85372
System Lease Rental Payments, shall be used to make payments 85373
during the period from July 1, 2019, through June 30, 2021, 85374
pursuant to leases and agreements entered into under Section 85375
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and 85376
other prior acts of the General Assembly with respect to financing 85377
the costs associated with the acquisition, development, 85378
implementation, and integration of the Treasury Management System. 85379

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 85380
LOAN PROGRAM 85381

The foregoing appropriation item 090610, OhioMeansJobs 85382
Workforce Development, shall be used for the OhioMeansJobs 85383
Workforce Development Revolving Loan Program to provide loans to 85384
individuals for workforce training. 85385

Of the foregoing appropriation item 090610, OhioMeansJobs 85386
Workforce Development, up to \$250,000 in fiscal year 2020 may be 85387
used by the Treasurer of State to administer the program. 85388

Any unexpended and unencumbered portion of the foregoing 85389
appropriation item 090610, OhioMeansJobs Workforce Development, at 85390
the end of fiscal year 2020 is hereby reappropriated for the same 85391
purpose in fiscal year 2021. To the extent that reappropriated 85392
funds are available, of the foregoing appropriation item 090610, 85393
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 85394
2021 may be used by the Treasurer of State to administer the 85395
program. 85396

Section 414.10. VTO VETERANS' ORGANIZATIONS 85397
General Revenue Fund 85398

		VAP AMERICAN EX-PRISONERS OF WAR				85399
GRF	743501	State Support	\$	31,895	\$	31,895 85400
		VAN ARMY AND NAVY UNION, USA, INC.				85401
GRF	746501	State Support	\$	68,640	\$	68,808 85402
		VKW KOREAN WAR VETERANS				85403
GRF	747501	State Support	\$	62,400	\$	62,400 85404
		VJW JEWISH WAR VETERANS				85405
GRF	748501	State Support	\$	37,865	\$	37,865 85406
		VCW CATHOLIC WAR VETERANS				85407
GRF	749501	State Support	\$	72,800	\$	72,800 85408
		VPH MILITARY ORDER OF THE PURPLE HEART				85409
GRF	750501	State Support	\$	72,800	\$	72,800 85410
		VVV VIETNAM VETERANS OF AMERICA				85411
GRF	751501	State Support	\$	236,948	\$	236,948 85412
		VAL AMERICAN LEGION OF OHIO				85413
GRF	752501	State Support	\$	385,237	\$	385,237 85414
		VII AMVETS				85415
GRF	753501	State Support	\$	366,877	\$	366,877 85416
		VAV DISABLED AMERICAN VETERANS				85417
GRF	754501	State Support	\$	275,628	\$	275,628 85418
		VMC MARINE CORPS LEAGUE				85419
GRF	756501	State Support	\$	169,520	\$	169,520 85420
		V37 37TH DIVISION VETERANS' ASSOCIATION				85421
GRF	757501	State Support	\$	10,400	\$	10,400 85422
		VFW VETERANS OF FOREIGN WARS				85423
GRF	758501	State Support	\$	314,246	\$	314,246 85424
TOTAL GRF		General Revenue Fund	\$	2,105,256	\$	2,105,424 85425
TOTAL ALL BUDGET FUND GROUPS			\$	2,105,256	\$	2,105,424 85426
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				85428
		General Revenue Fund				85429
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392 85430
GRF	900402	Hall of Fame	\$	124,400	\$	135,638 85431

GRF	900408	Department of Veterans Services	\$	4,348,745	\$	4,505,661	85432
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,092,400	\$	5,586,600	85433
TOTAL GRF		General Revenue Fund	\$	51,007,964	\$	55,630,291	85434
		Dedicated Purpose Fund Group					85435
4840	900603	Veterans' Homes Services	\$	995,000	\$	995,000	85436
4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	85437
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	85438
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	85439
5VV0	900644	Transcranial Magnetic Stimulation Pilot	\$	3,000,000	\$	3,000,000	85440
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	85441
TOTAL DPF		Dedicated Purpose Fund Group	\$	17,237,589	\$	17,237,589	85442
		Debt Service Fund Group					85443
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	85444
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	722,832	\$	552,706	85445
TOTAL DSF		Debt Service Fund Group	\$	1,034,329	\$	813,562	85447
		Federal Fund Group					85448
3680	900614	Veterans Training	\$	864,932	\$	930,262	85449
3BX0	900609	Medicare Services	\$	3,578,278	\$	3,578,278	85450
3L20	900601	Veterans' Homes	\$	33,838,615	\$	34,986,679	85451

Operations - Federal

TOTAL FED Federal Fund Group	\$	38,281,825	\$	39,495,219	85452
TOTAL ALL BUDGET FUND GROUPS	\$	107,561,707	\$	113,176,661	85453

VETERANS ORGANIZATIONS' RENT 85454

The foregoing appropriation item 900408, Department of 85455
Veterans Services, shall be used to pay veterans organizations' 85456
rent in buildings managed by the Department of Administrative 85457
Services. 85458

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 85459

The foregoing appropriation item 900901, Veterans 85460
Compensation General Obligation Bond Debt Service, shall be used 85461
to pay all debt service and related financing costs during the 85462
period from July 1, 2019, through June 30, 2021, on obligations 85463
issued under Section 2r of Article VIII, Ohio Constitution. 85464

TRANSCRANIAL MAGNETIC STIMULATION PILOT 85465

The foregoing appropriation item 900644, Transcranial 85466
Magnetic Stimulation Pilot, shall be used for a transcranial 85467
magnetic stimulation pilot program for veterans with substance use 85468
disorders or mental illness as described in section 5902.09 of the 85469
Revised Code. 85470

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 85471

Dedicated Purpose Fund Group 85472

4K90 888609 Operating Expenses	\$	433,150	\$	435,046	85473
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TOTAL DPF Dedicated Purpose 85474

Fund Group	\$	433,150	\$	435,046	85475
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Internal Service Activity Fund Group 85476

5BU0 888602 Veterinary Student	\$	30,000	\$	30,000	85477
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Loan Program

TOTAL ISA Internal Service Activity 85478

Fund Group	\$	30,000	\$	30,000	85479
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TOTAL ALL BUDGET FUND GROUPS		\$	463,150	\$	465,046	85480
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD						85482
Dedicated Purpose Fund Group						85483
4K90 129609	Operating Expenses	\$	640,756	\$	654,140	85484
TOTAL DPF Dedicated Purpose Fund		\$	640,756	\$	654,140	85485
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	640,756	\$	654,140	85486
Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES						85488
General Revenue Fund						85489
GRF 470401	RECLAIM Ohio	\$	171,784,391	\$	177,765,001	85490
GRF 470412	Juvenile Correctional	\$	14,990,500	\$	17,441,300	85491
Facilities Lease						
Rental Bond Payments						
GRF 470510	Youth Services	\$	16,702,727	\$	16,702,728	85492
GRF 472321	Parole Operations	\$	10,481,781	\$	10,661,690	85493
GRF 477321	Administrative	\$	12,505,577	\$	12,936,832	85494
Operations						
TOTAL GRF General Revenue Fund		\$	226,464,976	\$	235,507,551	85495
Dedicated Purpose Fund Group						85496
1470 470612	Vocational Education	\$	1,463,162	\$	1,463,162	85497
1750 470613	Education Services	\$	3,204,678	\$	3,292,983	85498
4790 470609	Employee Food Service	\$	40,000	\$	40,000	85499
4A20 470602	Child Support	\$	153,968	\$	153,968	85500
4G60 470605	Juvenile Special	\$	115,000	\$	115,000	85501
Revenue - Non-Federal						
5BN0 470629	E-Rate Program	\$	59,000	\$	59,000	85502
TOTAL DPF Dedicated Purpose						85503
Fund Group		\$	5,035,808	\$	5,124,113	85504
Federal Fund Group						85505
3210 470601	Education	\$	1,003,161	\$	1,019,832	85506

3210	470603	Juvenile Justice Prevention	\$	2,486,393	\$	2,499,486	85507
3210	470606	Nutrition	\$	930,000	\$	930,000	85508
3210	470614	Title IV-E Reimbursements	\$	800,000	\$	700,000	85509
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	85510
TOTAL FED Federal							85511
Fund Group			\$	6,939,554	\$	6,869,318	85512
TOTAL ALL BUDGET FUND GROUPS			\$	238,440,338	\$	247,500,982	85513

COMMUNITY PROGRAMS 85514

For purposes of implementing juvenile sentencing reforms, and 85515
notwithstanding any provision of law to the contrary, the 85516
Department of Youth Services may use up to \$1,375,000 of the 85517
unexpended, unencumbered balance of the portion of appropriation 85518
item 470401, RECLAIM Ohio, that is allocated to juvenile 85519
correctional facilities in each fiscal year to expand Targeted 85520
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 85521
other evidence-based community programs. 85522

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 85523

The foregoing appropriation item 470412, Juvenile 85524
Correctional Facilities Lease Rental Bond Payments, shall be used 85525
to meet all payments during the period from July 1, 2019, through 85526
June 30, 2021, by the Department of Youth Services under the 85527
leases and agreements for facilities made under Chapters 152. and 85528
154. of the Revised Code. These appropriations are the source of 85529
funds pledged for bond service charges on related obligations 85530
issued under Chapters 152. and 154. of the Revised Code. 85531

EDUCATION SERVICES 85532

The foregoing appropriation item 470613, Education Services, 85533

shall be used to fund the operating expenses of providing 85534
educational services to youth supervised by the Department of 85535
Youth Services. Operating expenses include, but are not limited 85536
to, teachers' salaries, maintenance costs, and educational 85537
equipment. 85538

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 85539

In collaboration with the county family and children first 85540
council, the juvenile court of that county that receives 85541
allocations from one or both of the foregoing appropriation items 85542
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 85543
portions of those allocations to a flexible funding pool as 85544
authorized by the section of this act titled "FAMILY AND CHILDREN 85545
FIRST FLEXIBLE FUNDING POOL." 85546

Section 501.10. All appropriation items in this section are 85547
hereby appropriated as designated out of any moneys in the state 85548
treasury to the credit of the designated fund. The appropriations 85549
made in this section are in addition to any other appropriations 85550
made for the fiscal year 2019-2020 capital biennium. 85551

DPS DEPARTMENT OF PUBLIC SAFETY 85552

Administrative Building Fund (Fund 7026) 85553

C76067 Radiological Calibration Laboratory \$ 2,250,000 85554

Relocation

TOTAL Administrative Building Fund \$ 2,250,000 85555

TOTAL ALL FUNDS \$ 2,250,000 85556

Section 501.11. The appropriations made in Section 501.10 of 85558
this act are subject to all provisions of H.B. 529 of the 132nd 85559
General Assembly that are generally applicable to such 85560
appropriations. Expenditures from appropriations contained in 85561
Section 501.10 of this act shall be accounted for as though made 85562
in H.B. 529 of the 132nd General Assembly. 85563

Section 501.12. The Treasurer of State is hereby authorized 85564
to issue and sell, in accordance with Section 2i of Article VIII, 85565
Ohio Constitution, Chapter 154. of the Revised Code, and other 85566
applicable sections of the Revised Code, original obligations in 85567
an aggregate principal amount not to exceed \$3,000,000 in addition 85568
to the original issuance of obligations heretofore authorized by 85569
prior acts of the General Assembly. These authorized obligations 85570
shall be issued, subject to applicable constitutional and 85571
statutory limitations, as needed to provide sufficient moneys to 85572
the credit of the Administrative Building Fund (Fund 7026) to pay 85573
costs associated with previously authorized capital facilities for 85574
the housing of branches and agencies of state government or their 85575
functions. 85576

Section 503.10. PERSONAL SERVICE EXPENSES 85577

Unless otherwise prohibited by law, any appropriation from 85578
which personal service expenses are paid shall bear the employer's 85579
share of public employees' retirement, workers' compensation, 85580
disabled workers' relief, and insurance programs; the costs of 85581
centralized financial services, centralized payroll processing, 85582
and related reports and services; centralized human resources 85583
services, including affirmative action and equal employment 85584
opportunity programs; the Office of Collective Bargaining; 85585
centralized information technology management services; 85586
administering the enterprise resource planning system; and 85587
administering the state employee merit system as required by 85588
section 124.07 of the Revised Code. These costs shall be 85589
determined in conformity with the appropriate sections of law and 85590
paid in accordance with procedures specified by the Office of 85591
Budget and Management. Expenditures from appropriation item 85592
070601, Public Audit Expense - Intra-State, may be exempted from 85593
the requirements of this section. 85594

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 85595
AGAINST THE STATE 85596

Except as otherwise provided in this section, an 85597
appropriation in this act or any other act may be used for the 85598
purpose of satisfying judgments, settlements, or administrative 85599
awards ordered or approved by the Court of Claims or by any other 85600
court of competent jurisdiction in connection with civil actions 85601
against the state. This authorization does not apply to 85602
appropriations to be applied to or used for payment of guarantees 85603
by or on behalf of the state, or for payments under lease 85604
agreements relating to, or debt service on, bonds, notes, or other 85605
obligations of the state. Notwithstanding any other statute to the 85606
contrary, this authorization includes appropriations from funds 85607
into which proceeds of direct obligations of the state are 85608
deposited only to the extent that the judgment, settlement, or 85609
administrative award is for, or represents, capital costs for 85610
which the appropriation may otherwise be used and is consistent 85611
with the purpose for which any related obligations were issued or 85612
entered into. Nothing contained in this section is intended to 85613
subject the state to suit in any forum in which it is not 85614
otherwise subject to suit, and is not intended to waive or 85615
compromise any defense or right available to the state in any suit 85616
against it. 85617

Section 503.30. CAPITAL PROJECT SETTLEMENTS 85618

This section specifies an additional and supplemental 85619
procedure to provide for payments of judgments and settlements if 85620
the Director of Budget and Management determines, pursuant to 85621
division (C)(4) of section 2743.19 of the Revised Code, that 85622
sufficient unencumbered moneys do not exist in the fund to support 85623
a particular appropriation to pay the amount of a final judgment 85624
rendered against the state or a state agency, including the 85625

settlement of a claim approved by a court, in an action upon and 85626
arising out of a contractual obligation for the construction or 85627
improvement of a capital facility if the costs under the contract 85628
were payable in whole or in part from a state capital projects 85629
appropriation. In such a case, the Director may either proceed 85630
pursuant to division (C)(4) of section 2743.19 of the Revised Code 85631
or apply to the Controlling Board to increase an appropriation or 85632
create an appropriation out of any unencumbered moneys in the 85633
state treasury to the credit of the capital projects fund from 85634
which the initial state appropriation was made. The amount of an 85635
increase in appropriation or new appropriation approved by the 85636
Controlling Board is hereby appropriated from the applicable 85637
capital projects fund and made available for the payment of the 85638
judgment or settlement. 85639

If the Director does not make the application authorized by 85640
this section or the Controlling Board disapproves the application, 85641
and the Director does not make application under division (C)(4) 85642
of section 2743.19 of the Revised Code, the Director shall for the 85643
purpose of making that payment make a request to the General 85644
Assembly as provided for in division (C)(5) of that section. 85645

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 85646

In order to provide funds for the reissuance of voided 85647
warrants under section 126.37 of the Revised Code, there is hereby 85648
appropriated, out of moneys in the state treasury from the fund 85649
credited as provided in section 126.37 of the Revised Code, that 85650
amount sufficient to pay such warrants when approved by the Office 85651
of Budget and Management. 85652

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 85653
BALANCES OF OPERATING APPROPRIATIONS 85654

(A) Notwithstanding the original year of appropriation or 85655

encumbrance, the unexpended balance of an operating appropriation 85656
or reappropriation that a state agency lawfully encumbered prior 85657
to the close of fiscal year 2019 or fiscal year 2020 is hereby 85658
reappropriated on the first day of July of the following fiscal 85659
year from the fund from which it was originally appropriated or 85660
reappropriated for the period of time listed in this section and 85661
shall remain available only for the purpose of discharging the 85662
encumbrance: 85663

(1) For an encumbrance for personal services, maintenance, 85664
equipment, or items for resale not otherwise identified in this 85665
section, for a period of not more than five months from the end of 85666
the fiscal year; 85667

(2) For an encumbrance for an item of special order 85668
manufacture not available on state contract or in the open market, 85669
for a period of not more than five months from the end of the 85670
fiscal year or, with the written approval of the Director of 85671
Budget and Management, for a period of not more than twelve months 85672
from the end of the fiscal year; 85673

(3) For an encumbrance for reclamation of land or oil and gas 85674
wells, for a period ending when the encumbered appropriation is 85675
expended provided such period does not extend beyond the FY 2020 - 85676
FY 2021 biennium; 85677

(4) For an encumbrance for any other type of expense not 85678
otherwise identified in division (A)(1), (2), or (3) of this 85679
section, for such period as the Director approves, provided such 85680
period does not extend beyond the FY 2020 - FY 2021 biennium. 85681

(B) Any operating appropriations for which unexpended 85682
balances are reappropriated in fiscal year 2020 or fiscal year 85683
2021 pursuant to division (A)(2) of this section shall be reported 85684
to the Controlling Board by the Director of Budget and Management 85685
by the thirty-first day of December of each year. The report shall 85686

include the item, the cost of the item, and the name of the 85687
vendor. The report shall be updated on a quarterly basis for 85688
encumbrances remaining open. 85689

(C) Upon the expiration of the reappropriation period set out 85690
in division (A) of this section, a reappropriation made by this 85691
section lapses and the Director of Budget and Management shall 85692
cancel the encumbrance of the unexpended reappropriation not later 85693
than the end of the weekend following the expiration of the 85694
reappropriation period. 85695

(D) If the Controlling Board approved a purchase, that 85696
approval remains in effect so long as the appropriation used to 85697
make that purchase remains encumbered. 85698

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 85699

(A) The Director of Budget and Management may correct 85700
accounting errors committed by the staff of the Office of Budget 85701
and Management, such as reestablishing encumbrances or 85702
appropriations canceled in error, during the cancellation of 85703
operating encumbrances in November and of non-operating 85704
encumbrances in December. 85705

(B) The Director of Budget and Management may at any time 85706
correct accounting errors committed by staff or a state agency or 85707
state institution of higher education, as defined in section 85708
3345.011 of the Revised Code, such as reestablishing prior year 85709
non-operating encumbrances canceled or modified in error. The 85710
reestablished encumbrance amounts are hereby appropriated. 85711

Section 503.70. TEMPORARY REVENUE HOLDING 85712

The Director of Budget and Management may create funds in the 85713
state treasury solely for the purpose of temporarily holding 85714
revenue required to be credited to a fund in the state treasury, 85715
whose disposition is not immediately known at the time of receipt. 85716

Once identified, the Director shall credit the revenue to the 85717
appropriate fund in the state treasury. 85718

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 85719
RE-ESTABLISHMENT OF ENCUMBRANCES 85720

Any cash transferred by the Director of Budget and Management 85721
under section 126.15 of the Revised Code is hereby appropriated. 85722
Any amounts necessary to re-establish appropriations or 85723
encumbrances under section 126.15 of the Revised Code are hereby 85724
appropriated. 85725

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 85726

The Director of Budget and Management may transfer 85727
appropriations between the Third Frontier Research and Development 85728
Fund (Fund 7011) and the Third Frontier Research and Development 85729
Taxable Bond Fund (Fund 7014) as necessary to maintain the 85730
exclusion from the calculation of gross income for federal income 85731
taxation purposes under the Internal Revenue Code with respect to 85732
obligations issued to fund projects appropriated from the Third 85733
Frontier Research and Development Fund (Fund 7011). 85734

The Director may also create new appropriation items within 85735
the Third Frontier Research and Development Taxable Bond Fund 85736
(Fund 7014) and make transfers of appropriations to them for 85737
projects originally funded from appropriations made from the Third 85738
Frontier Research and Development Fund (Fund 7011). 85739

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 85740

There are hereby appropriated out of any moneys in the state 85741
treasury to the credit of the General Revenue Fund, which are not 85742
otherwise appropriated, funds sufficient to make any payment 85743
required by division (B)(2) of section 5747.03 of the Revised 85744
Code. 85745

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES	85746
APPROVED BY THE CONTROLLING BOARD	85747
Any money that the Controlling Board approves for expenditure	85748
or any increase in appropriation that the Controlling Board	85749
approves under sections 127.14, 131.35, and 131.39 of the Revised	85750
Code or any other provision of law is hereby appropriated for the	85751
period ending June 30, 2021.	85752
Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S	85753
RESIDENCE	85754
If the Governor's Residence Fund (Fund 4H20) receives payment	85755
for use of the residence pursuant to section 107.40 of the Revised	85756
Code, the amounts so received are hereby appropriated to	85757
appropriation item 100604, Governor's Residence Gift.	85758
Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS	85759
Certain appropriations are in this act for the purpose of	85760
paying debt service and financing costs on general obligation	85761
bonds or notes of the state issued pursuant to the Ohio	85762
Constitution, Revised Code, and acts of the General Assembly. If	85763
it is determined that additional appropriations are necessary for	85764
this purpose, such amounts are hereby appropriated.	85765
Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE	85766
Certain appropriations are in this act for the purpose of	85767
making lease rental payments pursuant to leases and agreements	85768
relating to bonds, notes, or other obligations issued by or on	85769
behalf of the state pursuant to the Ohio Constitution, Revised	85770
Code, and acts of the General Assembly. If it is determined that	85771
additional appropriations are necessary for this purpose, such	85772
amounts are hereby appropriated.	85773

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 85774
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 85775

The Office of Budget and Management shall process payments 85776
from general obligation and lease rental payment appropriation 85777
items during the period from July 1, 2019, through June 30, 2021, 85778
relating to bonds, notes, or other obligations issued by or on 85779
behalf of the state pursuant to the Ohio Constitution, Revised 85780
Code, and acts of the General Assembly. Payments shall be made 85781
upon certification by the Treasurer of State of the dates and the 85782
amounts due on those dates. 85783

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 85784

If it is determined that a payment is necessary in the amount 85785
computed at the time to represent the portion of investment income 85786
to be rebated or amounts in lieu of or in addition to any rebate 85787
amount to be paid to the federal government in order to maintain 85788
the exclusion from gross income for federal income tax purposes of 85789
interest on those state obligations under section 148(f) of the 85790
Internal Revenue Code, such an amount is hereby appropriated from 85791
those funds designated by or pursuant to the applicable 85792
proceedings authorizing the issuance of state obligations. 85793

Payments for this purpose shall be approved and vouchered by 85794
the Office of Budget and Management. 85795

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 85796

Whenever the Director of Budget and Management determines 85797
that an appropriation made to a state agency from a fund of the 85798
state is insufficient to provide for the recovery of statewide 85799
indirect costs under section 126.12 of the Revised Code, the 85800
amount required for such purpose is hereby appropriated from the 85801
available receipts of such fund. 85802

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 85803
COST ALLOCATION PLAN 85804

The total transfers made from the General Revenue Fund by the 85805
Director of Budget and Management under this section shall not 85806
exceed the amounts transferred into the General Revenue Fund under 85807
section 126.12 of the Revised Code. 85808

The director of an agency may certify to the Director of 85809
Budget and Management the amount of expenses not allowed to be 85810
included in the Statewide Indirect Cost Allocation Plan under 85811
federal regulations, from any fund included in the Statewide 85812
Indirect Cost Allocation Plan, prepared as required by section 85813
126.12 of the Revised Code. 85814

Upon determining that no alternative source of funding is 85815
available to pay for such expenses, the Director of Budget and 85816
Management may transfer cash from the General Revenue Fund into 85817
the fund for which the certification is made, up to the amount of 85818
the certification. The director of the agency receiving such funds 85819
shall include, as part of the next budget submission prepared 85820
under section 126.02 of the Revised Code, a request for funding 85821
for such activities from an alternative source such that further 85822
federal disallowances would not be required. 85823

The director of an agency may certify to the Director of 85824
Budget and Management the amount of expenses paid in error from a 85825
fund included in the Statewide Indirect Cost Allocation Plan. The 85826
Director of Budget and Management may transfer cash from the fund 85827
from which the expenditure should have been made into the fund 85828
from which the expenses were erroneously paid, up to the amount of 85829
the certification. 85830

The director of an agency may certify to the Director of 85831
Budget and Management the amount of expenses or revenues not 85832
allowed to be included in the Statewide Indirect Cost Allocation 85833

Plan under federal regulations, for any fund included in the 85834
Statewide Indirect Cost Allocation Plan, for which the federal 85835
government requires payment. If the Director of Budget and 85836
Management determines that an appropriation made to a state agency 85837
from a fund of the state is insufficient to pay the amount 85838
required by the federal government, the amount required for such 85839
purpose is hereby appropriated from the available receipts of such 85840
fund, up to the amount of the certification. 85841

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 85842

Notwithstanding any provision of law to the contrary, on or 85843
before the first day of September of each fiscal year, the 85844
Director of Budget and Management, in order to reduce the payment 85845
of adjustments to the federal government, as determined by the 85846
plan prepared under division (A) of section 126.12 of the Revised 85847
Code, may designate such funds as the Director considers necessary 85848
to retain their own interest earnings. 85849

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 85850

Pursuant to the plan for compliance with the Federal Cash 85851
Management Improvement Act required by section 131.36 of the 85852
Revised Code, the Director of Budget and Management may cancel and 85853
re-establish all or part of encumbrances in like amounts within 85854
the funds identified by the plan. The amounts necessary to 85855
re-establish all or part of encumbrances are hereby appropriated. 85856

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 85857
INTEREST EARNED 85858

Notwithstanding any provision of law to the contrary, the 85859
Director of Budget and Management, through June 30, 2021, may 85860
transfer interest earned by any state fund to the General Revenue 85861
Fund. This section does not apply to funds whose source of revenue 85862

is restricted or protected by the Ohio Constitution, federal tax 85863
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 85864
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 85865

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 85866
FROM NON-GRF FUNDS 85867

Notwithstanding any provision of law to the contrary, the 85868
Director of Budget and Management may transfer up to \$100,000,000 85869
cash, during the biennium ending June 30, 2021, from non-General 85870
Revenue Funds that are not constitutionally restricted to the 85871
General Revenue Fund. 85872

Section 509.30. CASH TRANSFERS FROM THE STATE FIRE MARSHAL 85873
FUND TO THE GENERAL REVENUE FUND 85874

On July 1, 2020, or as soon as possible thereafter, the 85875
Director of Budget and Management shall transfer \$2,000,000 cash 85876
from the State Fire Marshal Fund (Fund 5460) to the General 85877
Revenue Fund. 85878

Section 509.40. CASH TRANSFER TO THE GENERAL REVENUE FUND 85879
FROM THE LOCAL GOVERNMENT INNOVATION FUND 85880

On July 1, 2019, or as soon as possible thereafter, the 85881
Director of Budget and Management shall transfer \$2,250,000 from 85882
the Local Government Innovation Fund (Fund 5KN0) to the General 85883
Revenue Fund. 85884

Section 509.45. CASH TRANSFER TO THE GENERAL REVENUE FUND 85885
FROM THE LOCAL GOVERNMENT SAFETY CAPITAL GRANT FUND 85886

On July 1, 2019, or as soon as possible thereafter, the 85887
Director of Budget and Management shall transfer the unencumbered 85888
cash balance remaining in the Local Government Safety Capital 85889
Grant Fund (Fund 5RD0) to the General Revenue Fund. 85890

Section 509.47. TRANSFER FROM THE HEALTH CARE SERVICES 85891
SUPPORT AND RECOVERIES FUND TO THE GENERAL REVENUE FUND 85892

Notwithstanding any provision of law to the contrary, on July 85893
1, 2019, or as soon as possible thereafter, the Director of Budget 85894
and Management shall transfer \$6,000,000 cash from the Health Care 85895
Services Support and Recoveries Fund (Fund 5DL0) to the General 85896
Revenue Fund. 85897

Notwithstanding any other provision of law to the contrary, 85898
on July 1, 2020, or as soon as possible thereafter, the Director 85899
of Budget and Management shall transfer \$4,000,000 cash from the 85900
Health Care Services Support and Recoveries Fund (Fund 5DL0) to 85901
the General Revenue Fund. 85902

Section 509.49. UNEMPLOYMENT COMPENSATION INTEREST 85903
CONTINGENCY FUND TRANSFER TO THE GENERAL REVENUE FUND 85904

On July 1, 2020, or as soon as possible thereafter, the 85905
Director of Budget and Management shall transfer the unexpended, 85906
unencumbered balance of the Unemployment Compensation Interest 85907
Contingency Fund (Fund 5HC0) to the General Revenue Fund. 85908

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 85909

On October 1, 2019, or as soon as possible thereafter, the 85910
Director of Commerce and the Executive Director of the Board of 85911
Pharmacy shall consult with the Director of Budget and Management 85912
to determine a repayment schedule for the biennium ending June 30, 85913
2021, to fully repay transfers on behalf of each agency from the 85914
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 85915
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 85916
Department of Commerce and the Board of Pharmacy in accordance 85917
with this repayment schedule shall be credited to the General 85918
Revenue Fund. 85919

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 85920
FUND 85921

On July 1, 2019, or as soon as possible thereafter, the 85922
Director of Budget and Management may transfer up to \$20,000,000 85923
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 85924
5MJ0). 85925

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 85926
TREATMENT AND PREVENTION FUND 85927

Notwithstanding any provision of law to the contrary, in 85928
fiscal year 2020, the Director of Budget and Management may 85929
transfer up to \$5,050,000 cash from the General Revenue Fund to 85930
the Statewide Treatment and Prevention Fund (Fund 4750). 85931

Notwithstanding any provision of law to the contrary, in 85932
fiscal year 2021, the Director of Budget and Management may 85933
transfer up to \$50,000 cash from the General Revenue Fund to the 85934
Statewide Treatment and Prevention Fund (Fund 4750). 85935

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 85936
COMMUNITY POLICE RELATIONS FUND 85937

Notwithstanding any provision of law to the contrary, in 85938
fiscal year 2020, the Director of Budget and Management may 85939
transfer up to \$2,200,000 cash from the General Revenue Fund to 85940
the Statewide Community Police Relations Fund (Fund 5RS0). 85941

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 85942
ADDICTION PROGRAM FUND 85943

Notwithstanding any provision of law to the contrary, in each 85944
fiscal year of the biennium ending June 30, 2021, the Director of 85945
Budget and Management may transfer up to \$23,750,000 cash from the 85946
General Revenue Fund to the Targeted Addiction Program Fund (Fund 85947

5TZ0). 85948

Section 512.50. GENERAL REVENUE FUND TRANSFER TO PERSIAN 85949
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 85950

During fiscal year 2021, upon request of the Director of 85951
Veterans Services, the Director of Budget and Management may 85952
transfer up to \$500,000 cash from the General Revenue Fund to the 85953
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 85954

Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT 85955
WELLNESS AND SUCCESS FUND 85956

Notwithstanding any provision of law to the contrary, the 85957
Director of Budget and Management may transfer up to \$250,000,000 85958
cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal 85959
year 2021 from the General Revenue Fund to the Student Wellness 85960
and Success Fund (Fund 5VS0), which is hereby created in the state 85961
treasury. 85962

Section 512.85. GENERAL REVENUE FUND TRANSFER TO TRANSCRANIAL 85963
MAGNETIC STIMULATION FUND 85964

On July 1, 2019, or as soon as possible thereafter, the 85965
Director of Budget and Management shall transfer \$6,000,000 cash 85966
from the General Revenue Fund to the Transcranial Magnetic 85967
Stimulation Fund (Fund 5VV0). 85968

Section 512.90. GENERAL REVENUE FUND TRANSFER TO SPORTS EVENT 85969
GRANT FUND 85970

On July 1, 2019, or as soon as possible thereafter, the 85971
Director of Budget and Management shall transfer \$5,000,000 cash 85972
from the General Revenue Fund to the Sports Event Grant Fund (Fund 85973
5UY0). 85974

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING	85975
BALANCE	85976
Notwithstanding section 131.44 of the Revised Code, the	85977
Director of Budget and Management shall determine the surplus	85978
General Revenue Fund revenue that existed on June 30, 2019.	85979
Notwithstanding any provision of law to the contrary, except for	85980
the transfers listed in this section, the surplus shall remain in	85981
the General Revenue Fund through the end of the biennium ending	85982
June 30, 2021. The Director shall transfer cash, not to exceed the	85983
amount of the surplus revenue from the General Revenue Fund in the	85984
following order:	85985
(A) Up to \$10,000,000 cash to the Targeted Addiction Program	85986
Fund (Fund 5TZ0);	85987
(B) Up to \$172,000,000 cash to the H2Ohio Fund (Fund 6H20);	85988
(C) Up to \$20,000,000 cash to the School Bus Purchase Fund	85989
(Fund 5VU0), which is hereby created in the state treasury;	85990
(D) Up to \$5,000,000 cash to the Ohio Governor's Imagination	85991
Library Fund (Fund 5VJ0), which is hereby created in the state	85992
treasury;	85993
(E) Up to \$25,000,000 cash to the Emergency Purposes Fund	85994
(Fund 5KM0);	85995
(F) Up to \$25,000,000 cash to the Disaster Services Fund	85996
(Fund 5E20);	85997
(G) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund	85998
(Fund 5BX0);	85999
(H) Up to \$7,400,000 cash to the Economic Development	86000
Programs Fund (Fund 5JC0); and	86001
(I) Up to \$2,000,000 cash to the Ohio Incumbent Workforce Job	86002
Training Fund (Fund 5HR0).	86003

Section 513.20. FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING BALANCE 86004
86005

Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2020, shall remain in the General Revenue Fund. 86006
86007
86008

Section 513.30. FISCAL YEAR 2021 APPROPRIATIONS FOR THE H2OHIO FUND 86009
86010

Notwithstanding section 131.35 of the Revised Code, in fiscal year 2021, the Controlling Board may increase or establish appropriations in the H2Ohio Fund (Fund 6H20) for state agencies or boards responsible for water protection and water management in amounts necessary to support the statewide strategic vision and comprehensive periodic water protection strategy in that fiscal year. 86011
86012
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86017

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 86018

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows: 86019
86020
86021
86022
86023

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	86024 86025
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,300,000	\$ 1,300,000	86026

ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 276,500	\$	278,500	86027
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,258,624	\$	1,258,624	86028

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 86029

(A) On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

User Agency	Transfer from: Fund	Fund Name	Transfer to: Fund	Fund Name	
AGR	5HP0	Livestock Care Standards Board	4C90	Commercial Feed Inspection/Lab	86037 86038 86039
AIR	7004	Advanced Energy Research and Development Taxable Fund	5M50	Advanced Energy Fund	86040
AIR	7005	Advanced Energy Research and Development	5M50	Advanced Energy Fund	86041
BWC	8290	Long Term Care Loan Fund	8260	Safety and Hygiene Fund	86042
COM	5PA0	BUSTR Revolving Loan Fund	6530	Underground Storage Tank Administration	86043
DAS	4P30	DAS Information Services	1330	Information Technology	86044
DAS	5D70	Workforce	5EB0	OAKS Support	86045

		Development		Organization	
DEV	3DB0	Federal Stimulus	GRF	General Revenue Fund	86046
		Energy Efficiency and Conservation			
DEV	5AD0	Job Development	5430	Unclaimed Funds	86047
		Initiatives		Trust	
DEV	5CG0	Alternative Fuel	5M50	Advanced Energy Fund	86048
		Transportation			
DEV	5MB0	Economic Development	5LN0	Liquor Operating	86049
		Support		Services Fund	
DEV	5NS0	Career Exploration	5JC0	Economic Development	86050
		Internship		Projects	
DNR	5CU0	Mine Safety	5290	Mining Regulation	86051
				and Safety	
DNR	5MF0	Ohio Geology License	5110	Geological Mapping	86052
		Plate			
DOH	6830	Employee Assistance	1250	Human Resources	86053
		Program		Services Fund	
DOT	5CF0	Rail Transload	4N40	Rail Development	86054
		Facilities			
DPS	8500	Public Safety	5RH0	Ohio Investigative	86055
		Investigative Unit		Unit Fund	
		Salvage and Exchange			
DRC	5UB0	Institution	GRF	General Revenue Fund	86056
		Addiction Treatment			
		Services			
DYS	3BH0	Federal Juvenile	3V50	Juvenile	86057
		Justice Program		Justice/Delinquency	
		FFY06		Prevention Fund	
DYS	3BT0	Federal Juvenile	3V50	Juvenile	86058
		Justice Program		Justice/Delinquency	
		FFY07		Prevention Fund	
DYS	3BY0	Federal Juvenile	3V50	Juvenile	86059

		Justice Program SFY07		Justice/Delinquency Prevention Fund	
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	86060
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	86061
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	86062
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	86063
DYS	3GB0	Federal Juvenile Justice Program FFY13	3V50	Juvenile Justice/Delinquency Prevention Fund	86064
DYS	3V90	Federal Juvenile Justice Program FFY01	3V50	Juvenile Justice/Delinquency Prevention Fund	86065
DYS	3W00	Federal Juvenile Justice Program FFY02	3V50	Juvenile Justice/Delinquency Prevention Fund	86066
DYS	3Z80	Federal Juvenile Justice Program FFY04	3V50	Juvenile Justice/Delinquency Prevention Fund	86067
DYS	3Z90	Federal Juvenile Justice Program FFY05	3V50	Juvenile Justice/Delinquency Prevention Fund	86068
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	86069
EDU	4D10	Ohio Prevention/Education	6200	Education Grants	86070

		Resource Center			
EDU	5B10	Child Nutrition	GRF	General Revenue Fund	86071
		Services			
EDU	5KY0	Community Schools	5KX0	Ohio School	86072
		Temporary		Sponsorship Program	
		Sponsorship			
EDU	5RB0	Straight A Fund	6200	Educational Grants	86073
EDU	5T30	Gates Foundation	6200	Educational Grants	86074
		Grants			
EDU	5UC0	Accountability/Report	4L20	Teacher	86075
		Cards		Certification	
EDU	5W20	Head Start Plus/Head	GRF	General Revenue	86076
		Start		Funds	
EDU	5X90	NGA Stem	6200	Educational Grants	86077
EDU	6210	Pre-School Foreign	6200	Educational Grants	86078
		Language			
EPA	3560	Indirect Costs	GRF	General Revenue Fund	86079
EPA	3580	205-J Federal	3BU0	Water Quality	86080
		Planning		Protection	
EPA	3M50	HazMat	GRF	General Revenue Fund	86081
		Transportation			
		Uniform Safety			
INS	3EV0	Health Insurance	5540	Department of	86082
		Premium Rev		Insurance Operating	
INS	3EW0	Health Exchange	5540	Department of	86083
		Planning		Insurance Operating	
INS	3EX0	Consumer Assistance	5540	Department of	86084
		Grant		Insurance Operating	
INS	5AG0	Medical Liability	GRF	General Revenue Fund	86085
INS	5FZ0	Claims Processing	5540	Department of	86086
		Education		Insurance Operating	
JFS	5GC0	GOFBI/Family	5RY0	Human Services	86087
		Stability		Projects	

JFS	5HA0	Health Care Services	5RY0	Human Services	86088
		Other		Projects	
JFS	5S30	JFS Administration	GRF	General Revenue Fund	86089
		and Oversight			
JSC	6A80	Supreme Court	4C80	Attorney	86090
		Admissions		Registration	
MCD	5AJ0	Money Follows the	5DL0	Medicaid Support and	86091
		Person		Recoveries	
MCD	5HA0	Health Care Services	GRF	General Revenue Fund	86092
		- Other			
MCD	5KC0	Health Care Special	5DL0	Medicaid Support and	86093
		Activities		Recoveries	
OBM	3CM0	Medicaid Agency	3B10	Community Medicaid	86094
		Transition		Expansion	
OBM	7087	Settlement Agreement	GRF	General Revenue Fund	86095
		Fund			
PUB	3FF0	Capital Case	4070	County	86096
		Litigation		Representation	
PUB	3FX0	Wrongful Conviction	4070	County	86097
		Program		Representation	
PUB	3GJ0	Byrne Memorial Grant	4070	County	86098
				Representation	
TAX	7054	Loc Govt Prop Tax	GRF	General Revenue Fund	86099
		Replacement			
TAX	4K00	Beverage Tax	GRF	General Revenue Fund	86100
		Administrative			
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	86101
TAX	5BW0	Tax Amnesty	GRF	General Revenue Fund	86102
		Promotion and			
		Administration			
TAX	QD20	OBG-Assessment	GRF	General Revenue Fund	86103
		Payments			
TOS	4N00	Treasury Education	6050	Treasurer of State's	86104

				Administration	
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	86105
				(B) On July 1, 2019, or as soon as possible thereafter, the	86106
				Director of Budget and Management shall cancel existing	86107
				encumbrances against each appropriation item indicated in the	86108
				table below and reestablish them against the appropriation item	86109
				also indicated in the table below. The Director may cancel and	86110
				reestablish other encumbrances as needed to properly close out the	86111
				funds identified in division (A) of this section. The encumbrances	86112
				reestablished under this section are hereby appropriated.	86113
		Cancel existing encumbrances	Reestablish encumbrances against:		86114
		against:			
Fund	Appropriation Item	Fund	Appropriation Item		86115
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety		86116
5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping		86117
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other		86118
3EV0	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses		86119
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses		86120
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses		86121
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses		86122
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation		86123
3FX0	019621 - Wrongful	4070	019604 - County		86124

	Conviction Program		Representation	
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	86125
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	86126
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	86127
	(C) The following funds are hereby abolished on the effective date of their repeal by this act:			86128
User	Fund	Fund Name		86130
DNR	5260	Coal Mining Administration and Reclamation Reserve		86131
DOH	5QH0	Dental Hygiene Resource Shortage Area		86132
DVS	A041	Veterans Compensation Series 2011		86133
DVS	B041	Veterans Compensation Series 2013		86134
EDU	3090	Neglected & Delinquent Education		86135
EDU	3660	Adult Basic Education		86136
EDU	3690	Vocational Education		86137
EDU	3720	Federal Drivers' Education Projects		86138
EDU	3730	Pupil Transportation Safety Program		86139
EDU	3760	Job Training Partnership Act		86140
EDU	3780	Math/Science Tech Investments		86141
EDU	5960	Ohio Career Information System		86142
EDU	7006	Education Improvement		86143
EDU	3E20	AIDS Education Project		86144
EDU	3AK0	State Homeland Security		86145
EDU	3AX0	Improving Health and Education Outcomes of Young People		86146
EDU	3BK0	Longitudinal Data Systems		86147
EDU	3BV0	Character Education		86148
EDU	3CF0	Foreign Language Assistance		86149
EDU	3CG0	Teacher Incentive		86150
EDU	3DC0	Federal Stimulus School Cafeteria Equipment		86151

EDU	3DJ0	Idea Part B - Federal Stimulus	86152
EDU	3DK0	Title I A - Federal Stimulus	86153
EDU	3EC0	Teacher Incentive - Federal Stimulus	86154
EDU	3EF0	National School Lunch Program Equipment	86155
EDU	3EK0	Advanced Placement	86156
EDU	3EL0	Even Start	86157
EDU	3EM0	Byrd Scholarship	86158
EDU	3EN0	State Data System - Federal Stimulus	86159
EDU	3ES0	Special Education Research	86160
EDU	3ET0	Ed Jobs	86161
EDU	3FD0	Race to the Top	86162
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	86163
EDU	3GP0	School Climate Transformation	86164
EDU	3GQ0	Project Aware	86165
EDU	3GZ0	JAVITS Gifted and Talented Students Education	86166
EDU	3M10	ESEA Chapter Two	86167
EDU	3N70	School-to-Work	86168
EDU	3P90	SRRC/FRC Evaluation Project	86169
EDU	3R30	Goals 2000	86170
EDU	3S20	Tech Literacy Transfer	86171
EDU	3S70	Child Care School Age	86172
EDU	3T50	Coordinated School Health	86173
EDU	3T60	Class Size Reduction	86174
EDU	3U60	Provision 2&3 Grant	86175
EDU	3W60	TANF Education	86176
EDU	3X50	School Renovation Idea & Tech Program	86177
EDU	3Y40	Reading First	86178
EDU	3Z70	General Supervision Enhancement	86179
EDU	4M40	Emergency Svc Telecommunicator Training	86180
EDU	4Y50	Supplemental School Assistance	86181
EDU	4Z40	School District 1987 Reimburse	86182
EDU	5BB0	State Action for Education Leadership	86183
EDU	5F80	Instructional Materials Education	86184

EDU	5JA0	ARRA Compliance	86185
EDU	5X80	Jobs for Ohio Graduates	86186
EPA	3520	Wastewater Pollution	86187
EPA	3630	Construction Grant	86188
EPA	4910	Moving Expenses	86189
EPA	4990	Emergency Village Capital Improvements	86190
EPA	6020	Motor Vehicle Inspection/Maintenance	86191
EPA	6600	Infectious Waste Management	86192
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	86193
EPA	3F40	Water Quality Management	86194
EPA	3J10	Urban Stormwater	86195
EPA	3J50	Maumee AOC Assessment	86196
EPA	3K20	Clean Water Act 106	86197
EPA	3K30	DOE Agreement in Principle	86198
EPA	3K40	DOD Base Realign/Closure Grant	86199
EPA	3K60	Remedial Action Plans	86200
EPA	3N10	Pollution Prevention Grants	86201
EPA	3S40	Performance Partnership Grants	86202
EPA	3T10	Rural Hardship Grant	86203
EPA	4C30	State Special Revenue Indirect	86204
EPA	4U70	Construction/Demolition Debris	86205
EPA	5DW0	Automotive Mercury Switch Program	86206
EPA	5N20	Dredge and Fill	86207
EPA	6A90	Construction/Demolition Debris Facility Oversight	86208
JFS	3W30	Adult Special Needs	86209
JFS	4J50	Home/Community Based Services/Aged	86210
JFS	4Z10	Health Care Compliance	86211
JFS	5BG0	Managed Care Assessment	86212
JFS	5KU0	Unemployment Insurance Support - Other Sources	86213
JFS	5Q90	Supplemental Inpatient Hospital	86214
JFS	R013	Forgery Collections	86215
MED	5LE0	Education and Patient Safety	86216

OOD	5L90	TANF/PCA Maintenance of Effort	86217
OOD	5QL0	Disability Determination Reimbursement	86218
PRX	3CT0	2008 Developing/Enhancing PMP	86219
PRX	3EB0	NASPER	86220
PRX	3EY0	Administration of the PMIX Hub	86221
PRX	3EZ0	NASPER 10	86222
SOS	3AH0	Election Reform/Health and Human Services	86223

Section 601.03. That Section 261.168 of Am. Sub. H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 of the 132nd General Assembly, be amended to read as follows:

Sec. 261.168. MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019,~~ 2020, AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING PHASED OUT

(A) As used in this section:

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

~~(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~ 86246
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~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~ 86249
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~~(b)~~ In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case: 86255
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(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020; 86258
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(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020. 86261
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~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case: 86267
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(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021; 86270
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(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the 86273
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entering operator has a valid Medicaid provider agreement for the 86277
ICF/IID during fiscal year 2021. 86278

(2) This section does not apply to either of the following: 86279

(a) An ICF/IID in peer group 3-B; 86280

(b) An ICF/IID for which the provider obtains an initial 86281
provider agreement during a fiscal year for which modifications to 86282
the formula being phased out are made under this section. 86283

(C) Notwithstanding Chapter 5124. of the Revised Code, the 86284
following modifications shall be made when determining under the 86285
formula being phased out the fiscal years ~~2019~~, 2020~~7~~ and 2021 86286
total per Medicaid day payment rates for an ICF/IID to which this 86287
section applies: 86288

(1) The ICF/IID's efficiency incentive for capital costs, as 86289
determined under division (F) of section 5124.171 of the Revised 86290
Code, shall be reduced by 50%. 86291

(2) In place of the maximum cost per case-mix unit 86292
established for the ICF/IID's peer group under division (C) of 86293
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 86294
per case-mix unit shall be the amount the Department determined 86295
for the ICF/IID's peer group for fiscal year 2016 in accordance 86296
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 86297
131st General Assembly. 86298

(3) In place of the inflation adjustment otherwise calculated 86299
under division (D) of section 5124.195 of the Revised Code for the 86300
purpose of division (A)(1)(b) of that section, an inflation 86301
adjustment of 1.014 shall be used. 86302

(4) In place of the efficiency incentive otherwise calculated 86303
under division (B)(2) of section 5124.211 of the Revised Code, the 86304
ICF/IID's efficiency incentive for indirect care costs shall be 86305
the following: 86306

(a) In the case of an ICF/IID in peer group 1-B, not more than \$3.69; 86307
86308

(b) In the case of an ICF/IID in peer group 2-B, not more than \$3.19. 86309
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(5) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.211 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be an amount the Department shall determine in accordance with division (D) of this section. 86311
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(6) In place of the inflation adjustment otherwise calculated under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used. 86317
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(7) In place of the inflation adjustment otherwise made under section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the applicable cost report year shall be multiplied by 1.014. 86321
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(D) In determining the amount of the maximum rate for indirect costs for the purpose of division (C)(5) of this section, the Department shall strive to the greatest extent possible to do both of the following: 86326
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(1) Avoid rate reductions under division (E)~~(1)~~ of this section; 86330
86331

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable indirect care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1-B as for ICFs/IID in peer group 2-B as of the first day of the fiscal year for which the determination is made, based on May Medicaid days from the calendar year in which the fiscal year begins. 86332
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(E)~~(1)~~ If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of the first day of a fiscal year for which a rate is determined under this section and weighted by May Medicaid days from the calendar year in which the fiscal year begins, is greater than the amount determined under ~~division (E)(2) of this section~~ \$290.10, the Department shall adjust, for the fiscal year for which the rate is determined, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater ~~or less~~ than the amount determined under ~~division (E)(2) of this section~~ \$290.10.

~~(2) The amount to be used for the purpose of division (E)(1) of this section shall be not less than \$290.10. The Department, in its sole discretion, may use a larger amount for the purpose of that division. In determining whether to use a larger amount, the Department may consider any of the following:~~

~~(a) The reduction in the total Medicaid certified capacity of all ICFs/IID that occurs in the fiscal year immediately preceding the fiscal year for which the determination is made, and the reduction that is projected to occur in the fiscal year for which the determination is made, as a result of either of the following:~~

~~(i) A downsizing pursuant to a plan approved by the Department under section 5123.042 of the Revised Code;~~

~~(ii) A conversion of beds to providing home and community based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.~~

~~(b) The increase in Medicaid payments made for ICF/IID services provided during the fiscal year immediately preceding the fiscal year for which the determination is made, and the increase that is projected to occur in the fiscal year for which the~~

determination is made, as a result of the modifications to the
payment rates made under section 5124.101 of the Revised Code; 86369
86370

~~(c) The total reduction in the number of ICF/IID beds that
occurs pursuant to section 5124.67 of the Revised Code; 86371
86372~~

~~(d) Other factors the Department determines to be relevant. 86373~~

(F) If the United States Centers for Medicare and Medicaid
Services requires that the franchise permit fee be reduced or
eliminated, the Department shall reduce the rate determined under
this section as necessary to reflect the loss to the state of the
revenue and federal financial participation generated from the
franchise permit fee. 86374
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Section 601.04. That existing Section 261.168 of Am. Sub. 86380
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 86381
of the 132nd General Assembly, is hereby repealed. 86382

Section 601.05. Sections 601.03 and 601.04 of this act are 86383
exempt from the referendum under section 1d of Article II, Ohio 86384
Constitution, and take effect July 1, 2019. 86385

Section 601.07. That Section 1 of H.B. 336 of the 132nd 86386
General Assembly be amended to read as follows: 86387

Sec. 1. (A) As used in this section: 86388

(1) "Eligible offense" means an offense under any of the 86389
following Revised Code sections if the offense, an essential 86390
element of the offense, the basis of the charge, or any underlying 86391
offense did not involve alcohol, a drug of abuse, combination 86392
thereof, or a deadly weapon: 2151.354, 2152.19, 2152.21, 2907.24, 86393
2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 86394
4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, 4510.32, 86395
4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 86396

5743.99.	86397
(2) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	86398 86399
(3) "Drug of abuse" has the same meaning as in section 4511.181 of the Revised Code.	86400 86401
(4) "Complete amnesty" means a waiver of reinstatement fees.	86402
(5) "Driver's license or permit" does not include a commercial driver's license or permit.	86403 86404
(6) "Indigent" means a person who is a participant in the supplemental nutrition assistance program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	86405 86406 86407 86408
(B) Not later than ninety days after the effective date of this section <u>November 2, 2018</u> , the Registrar of Motor Vehicles shall establish a driver's license reinstatement fee debt reduction and amnesty program. The program shall immediately terminate six months after that effective date <u>on December 31, 2019</u> .	86409 86410 86411 86412 86413 86414
(C) During the period the program is in operation, both of the following apply:	86415 86416
(1) A person whose driver's license or permit has been suspended as a result of an eligible offense may apply to the Registrar for driver's license reinstatement fee debt reduction if the person has completed all court-ordered sanctions related to the eligible offense other than the payment of reinstatement fees and at least eighteen months have expired since the end of the period of suspension ordered by the court.	86417 86418 86419 86420 86421 86422 86423
(2) A person whose driver's license or permit has been suspended as a result of an eligible offense may apply to the Registrar for complete amnesty if the person has completed all	86424 86425 86426

court-ordered sanctions related to the eligible offense other than 86427
the payment of reinstatement fees, and the person is indigent and 86428
can demonstrate proof of indigence by providing documentation in a 86429
form approved by the Registrar. 86430

(D)(1) The Registrar shall grant reinstatement fee debt 86431
reduction to a person who is eligible under division (C)(1) of 86432
this section as follows: 86433

(a) If the person owes reinstatement fees for multiple 86434
eligible offenses, the person shall be required to pay either the 86435
lowest reinstatement fee owed for those offenses or ten per cent 86436
of the total amount owed for those offenses, whichever amount is 86437
greater. 86438

(b) If the person owes reinstatement fees for one eligible 86439
offense, the person shall be required to pay one-half of the 86440
reinstatement fee owed for that offense. 86441

(2) The Registrar shall grant complete amnesty to a person 86442
eligible under division (C)(2) of this section. 86443

(E) The Registrar shall conduct a public service announcement 86444
regarding the driver's license reinstatement fee debt reduction 86445
and amnesty program that includes a description of the program and 86446
its requirements. In addition, the Registrar shall make such 86447
information available on the Bureau of Motor Vehicle's web site. 86448

(F) The Registrar may establish any requirements and 86449
procedures necessary to administer and implement this section. 86450

Section 601.08. That existing Section 1 of H.B. 336 of the 86451
132nd General Assembly is hereby repealed. 86452

Section 601.10. That Sections 207.10, 207.210, 215.10, 86453
215.20, 221.10, 225.10, 237.30, 253.310, and 701.10 of H.B. 529 of 86454
the 132nd General Assembly be amended to read as follows: 86455

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE			86456
INSTITUTIONS OF HIGHER EDUCATION			86457
BOR DEPARTMENT OF HIGHER EDUCATION			86458
Higher Education Improvement Fund (Fund 7034)			86459
C23501 Ohio Supercomputer Center	\$	6,105,076	86460
C23516 Ohio Library and Information Network	\$	13,844,808	86461
C23524 Supplemental Renovations - Library	\$	447,000	86462
Depositories			
C23529 Workforce Based Training and Equipment	\$	8,000,000	86463
		<u>16,000,000</u>	
C23530 Technology Initiatives	\$	2,500,000	86464
C23532 OARnet	\$	10,203,116	86465
C23551 Ohio Innovation Exchange	\$	400,000	86466
C23560 HEI Critical Maintenance and Upgrades	\$	2,500,000	86467
C23563 Ohio Cyber Range	\$	1,000,000	86468
C23564 Ohio Aerospace Institute Improvements	\$	150,000	86469
TOTAL Higher Education Improvement Fund	\$	45,150,000	86470
		<u>53,150,000</u>	
TOTAL ALL FUNDS	\$	45,150,000	86471
		<u>53,150,000</u>	
RESEARCH FACILITY ACTION AND INVESTMENT FUNDS			86472
Capital appropriations or reappropriations in this act made			86473
from appropriation item C23502, Research Facility Action and			86474
Investment Funds, shall be used for a program of grants to be			86475
administered by the Department of Higher Education to provide			86476
timely availability of capital facilities for research programs			86477
and research-oriented instructional programs at or involving			86478
state-supported and state-assisted institutions of higher			86479
education.			86480
WORKFORCE BASED TRAINING AND EQUIPMENT			86481
(A) Capital appropriations or reappropriations in this act			86482

made from appropriation item C23529, Workforce Based Training and Equipment, shall be used to support the Regionally Aligned Priorities in Developing Skills (RAPIDS) program in the Department of Higher Education. The purpose of the RAPIDS program is to support collaborative projects among higher education institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state.

(B) Capital funds appropriated or reappropriated for this purpose by the General Assembly shall be distributed by the Chancellor of Higher Education to Ohio regions or subsets of regions. Regions or subsets of regions may be defined by the state's economic development strategy.

(C) The Chancellor shall award capital funds within the program using an application and review process, as developed by the Chancellor. In reviewing applications and making awards, priority shall be given to proposals that demonstrate:

(1) Collaboration among and between state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other entities as determined to be appropriate by the Chancellor;

(2) Evidence of meaningful business support and engagement;

(3) Identification of targeted occupations and industries supported by data, which sources may include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(4) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region.

(D) In submitting proposals for consideration under the program, a state institution of higher education, as defined in section 3345.011 of the Revised Code, shall be the lead applicant

and preference shall be given to proposals in which equipment and 86514
technology acquired by capital funds awarded under the program are 86515
owned by a state institution of higher education. If equipment, 86516
technology, or facilities acquired by capital funds awarded under 86517
the program will be owned by a separate governmental or nonprofit 86518
entity, the state institution of higher education shall enter into 86519
a joint use agreement with the entity, which shall be approved by 86520
the Chancellor. 86521

Sec. 207.210. NEM NORTHEAST OHIO MEDICAL UNIVERSITY 86522

Higher Education Improvement Fund (Fund 7034) 86523

C30533 Air Handling Unit #3 (Building B) \$ 600,000 86524
Replacement

C30534 Chiller-Cooling Tower Replacement and \$ 400,000 86525
Upgrade

C30535 Electrical Panels Infrastructure \$ 100,000 86526
Replacement and Upgrade

C30536 Air Handling Units #4 & #5 (Building E) \$ 728,644 86527
Replacement

C30538 University Hospitals Geauga Medical \$ 900,000 86528
Center

C30539 Cleveland Clinic Children's Outpatient \$ 750,000 86529
Therapy Services Medina

C30540 Pro Football Hall of Fame ~~Center of~~ \$ 1,000,000 86530
~~Excellence~~

TOTAL Higher Education Improvement Fund \$ 4,478,644 86531

TOTAL ALL FUNDS \$ 4,478,644 86532

Sec. 215.10. AGR DEPARTMENT OF AGRICULTURE 86534

Administrative Building Fund (Fund 7026) 86535

C70007 Building and Grounds \$ 1,500,000 86536

C70022 Agricultural Society Facilities \$ ~~2,185,000~~ 86537

			<u>6,885,000</u>	
C70024	Building #22 Renovation	\$	660,000	86538
C70026	EPA Warehouse Facility	\$	872,000	86539
TOTAL	Administrative Building Fund	\$	5,217,000	86540
			<u>9,917,000</u>	
	Clean Ohio Agricultural Easement Fund (Fund 7057)			86541
C70009	Clean Ohio Agricultural Easement	\$	12,500,000	86542
TOTAL	Clean Ohio Agricultural Easement	\$	12,500,000	86543
TOTAL ALL FUNDS		\$	17,717,000	86544
			<u>22,417,000</u>	

Sec. 215.20. AGRICULTURAL SOCIETY FACILITIES 86546

The Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$4,700,000 shall be distributed evenly to each county and independent agricultural society in accordance with Section 717.11 of H.B. 166 of the 133rd General Assembly. 86547
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Of the foregoing appropriation item C70022, Agricultural Society Facilities, \$2,185,000 shall be used to support the projects listed in this section. 86551
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86553

Project Description	Amount	
Pickaway County Agricultural Facility Improvements	\$ 400,000	86555
Warren County Fairgrounds Event Center	\$ 400,000	86556
Ashtabula County Agricultural Facility Improvements	\$ 250,000	86557
Clinton County Agricultural Facility Improvements	\$ 250,000	86558
Pike County Agricultural Facility Improvements	\$ 230,000	86559
Harrison County Agricultural Facility Improvements	\$ 200,000	86560
Brown County Agricultural Facility Improvements	\$ 150,000	86561
Monroe County Agricultural Education Complex Classroom	\$ 100,000	86562
Shelby County Agricultural Facility Improvements	\$ 100,000	86563
Preble County Agricultural Facility Improvements	\$ 50,000	86564
Defiance County Agricultural Facility Improvements	\$ 30,000	86565

Assembly. These authorized obligations shall be issued, subject to 86593
applicable constitutional and statutory limitations, as needed to 86594
provide sufficient moneys to the credit of the School Building 86595
Program Assistance Fund (Fund 7032) to pay the state share of the 86596
costs of constructing classroom facilities pursuant to Chapter 86597
3318. of the Revised Code. 86598

Reappropriations

Sec. 253.310. UAK UNIVERSITY OF AKRON		86599
Higher Education Improvement Fund (Fund 7034)		86600
C25000 Basic Renovations	\$ 249,343	86601
C25002 Basic Renovations - Wayne	\$ 689,642	86602
C25054 General Lab Renovations	\$ 2,609,586	86603
C25055 Auburn Science and Engineering Center	\$ 600,000	86604
C25063 Austen BioInnovation Institute	\$ 500,000	86605
C25065 Akron Battered Women's Shelter	\$ 750,000	86606
C25069 Campus Hardscape	\$ 840,000	86607
C25070 IT Cabling and Network Switches	\$ 4,839,000	86608
C25071 Orrville Area Boys and Girls Club	\$ 250,000	86609
C25072 Wooster Area Boys and Girls Club	\$ 40,000	86610
C25073 Medina County Fiber Network	\$ 100,000	86611
C25078 Akron Global Business Accelerator	\$ 750,000	86612
C25083 Airborne Maintenance and Engineering Services	\$ 1,097,461	86613
C25084 Bierce Library	\$ 850,000	86614
TOTAL Higher Education Improvement Fund	\$ 14,165,032	86615
	<u>14,065,032</u>	
TOTAL ALL FUNDS	\$ 14,165,032	86616
	<u>14,065,032</u>	

BASIC RENOVATIONS 86617

The amount reappropriated for the foregoing appropriation 86618
item C25000, Basic Renovations, is the unencumbered balance as of 86619

June 30, 2018, in appropriation item C25000, Basic Renovations, 86620
plus the unencumbered balance as of June 30, 2018, in 86621
appropriation item C25068, Polsky Exterior Facade and Renovation. 86622

AIRBORNE MAINTENANCE AND ENGINEERING SERVICES 86623

The amount reappropriated for the foregoing appropriation 86624
item C25083, Airborne Maintenance and Engineering Services, is the 86625
unencumbered balance as of June 30, 2018, in appropriation item 86626
C25083, Airborne Maintenance and Engineering Services, plus the 86627
unencumbered balance as of June 30, 2018, in appropriation items 86628
C25008, Supercritical Fluid Technology, C25018, Nanoscale Polymers 86629
Manufacturing, C25045, Polymer Dynamics, and C25059, Capitol 86630
Square Internship Center, plus \$400,000 of the unencumbered 86631
balance as of June 30, 2018, in appropriation item C25074, Akron 86632
Global Business Accelerator Main Street Redevelopment. 86633

BIERCE LIBRARY 86634

The amount reappropriated for the foregoing appropriation 86635
item C25084, Bierce Library, is the unencumbered balance as of 86636
June 30, 2018, in appropriation item C25084, Bierce Library, plus 86637
\$850,000 of the unencumbered balance as of June 30, 2018, in 86638
appropriation item C25074, Akron Global Business Accelerator Main 86639
Street Redevelopment. 86640

Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 86641
PROJECTS 86642

The enterprise data center solutions (EDCS) project is an 86643
information technology initiative that will expand and improve the 86644
state's cloud computing environment and support expansion of and 86645
upgrades to enterprise shared solutions. The Ohio Administrative 86646
Knowledge System (OAKS) is an enterprise resource planning system 86647
that replaced the state's central services infrastructure systems. 86648
The Department of Administrative Services may continue to acquire 86649

and implement EDCS, OAKS, and related information system projects, 86650
including, but not limited to, acquisition of the application 86651
hardware and software and the installation, implementation, and 86652
integration thereof. The Department of Administrative Services may 86653
enter into a lease-purchase agreement pursuant to Chapter 125. of 86654
the Revised Code as necessary to finance or refinance the 86655
projects. At the request of the Director of Administrative 86656
Services, the Office of Budget and Management shall make 86657
arrangements for the issuance of obligations, including 86658
fractionalized interests in public obligations as defined in 86659
division (N) of section 133.01 of the Revised Code, to finance the 86660
enterprise data and information system and OAKS projects, provided 86661
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 86662
this purpose. 86663

Section 601.11. That existing Sections 207.10, 207.210, 86664
215.10, 215.20, 221.10, 225.10, 237.30, 253.310, and 701.10 of 86665
H.B. 529 of the 132nd General Assembly are hereby repealed. 86666

Section 601.12. That Section 207.440 of H.B. 529 of the 132nd 86667
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 86668
General Assembly, be amended to read as follows: 86669

Sec. 207.440. The Ohio Public Facilities Commission is hereby 86670
authorized to issue and sell, in accordance with Section 2n of 86671
Article VIII, Ohio Constitution, and Chapter 151. and particularly 86672
sections 151.01 and 151.04 of the Revised Code, original 86673
obligations in an aggregate principal amount not to exceed 86674
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 86675
obligations heretofore authorized by prior acts of the General 86676
Assembly. These authorized obligations shall be issued, subject to 86677
applicable constitutional and statutory limitations, as needed to 86678
provide sufficient moneys to the credit of the Higher Education 86679

Improvement Fund (Fund 7034) and the Higher Education Improvement 86680
Taxable Fund (Fund 7024) to pay costs of capital facilities for 86681
state-supported and state-assisted institutions of higher 86682
education. 86683

Section 601.13. That existing Section 207.440 of H.B. 529 of 86684
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 86685
132nd General Assembly, is hereby repealed. 86686

Section 601.15. That Sections 223.15, 227.10, 237.10, and 86687
237.13 of H.B. 529 of the 132nd General Assembly, as most recently 86688
amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be 86689
amended to read as follows: 86690

Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION 86691
PROJECTS 86692

Of the foregoing appropriation item C725E2, Local Parks, 86693
Recreation, and Conservation Projects, an amount equal to two per 86694
cent of the projects listed may be used by the Department of 86695
Natural Resources for the administration of local projects. 86696

Project Description	Amount	
Cuyahoga Franklin Hill Stabilization	\$ 2,500,000	86697
Quarry Trails Project	\$ 1,250,000	86698
Bridge Park Center	\$ 1,000,000	86699
Canal Fulton Community Park	\$ 750,000	86700
North Canton Parks Upgrades	\$ 750,000	86701
The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion	\$ 700,000	86702
John F. Wolfe Palm House Renovation and Improvements	\$ 600,000	86703
The REC at Crawford Commons Facility	\$ 500,000	86704
Prairie Township Artificial Turf Soccer Fields	\$ 500,000	86705
Jackson Township North Park Activity Complex	\$ 500,000	86706

Westward Ho National Monument	\$ 500,000	86708
City of Sheffield Lake Regional Watershed Initiative	\$ 450,000	86709
Buckeye Lake Feeder Channel Restoration	\$ 400,000	86710
Chagrin Riverbank Stabilization	\$ 400,000	86711
Buckeye Lake Public Pier	\$ 400,000	86712
Mill Creek Conservation and Flood Control Area in North Ridgeville	\$ 400,000	86713
Danny Thomas Park Renovation	\$ 400,000	86714
Lincoln Park Stadium and Field Restoration	\$ 400,000	86715
New Philadelphia South Side Community Park	\$ 400,000	86716
Mason Common Ground Park	\$ 400,000	86717
<u>Williams County Opdyke Park</u>	<u>\$ 400,000</u>	86718
Grand River Conservation Campus	\$ 385,000	86719
Stanbery Park Pavilion	\$ 360,000	86720
Miami Canal Trail Extension at Gilmore MetroPark	\$ 350,000	86721
Voice of America Park Turf Fields	\$ 350,000	86722
Dover Riverfront Trailhead Connector	\$ 350,000	86723
Montpelier Rails to Trails	\$ 325,000	86724
Ashland Brookside Tennis Courts	\$ 300,000	86725
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	86726
Ohio to Erie Trail Land Acquisition	\$ 300,000	86727
Grove City Gantz Park Improvements	\$ 300,000	86728
Symmes Township Home of the Brave Phase 2	\$ 300,000	86729
Wadsworth City Park	\$ 300,000	86730
Piqua Great Miami River Trail Bridge Replacement Project	\$ 300,000	86731
Chudzinski Johannsen Conservancy Park Improvements	\$ 300,000	86732
Tiffin Recreation, Arts and Learning Park	\$ 300,000	86733
Wooster Venture Boulevard Park Project	\$ 300,000	86734
Pierce Park Learning and History Trail Improvements	\$ 275,000	86735
Versailles Poultry Days Amphitheater	\$ 275,000	86736
Adams County Splash Pad	\$ 250,000	86737
New Bremen Bike Path	\$ 250,000	86738

Grand Lake Shoreline Water Quality Improvements	\$ 250,000	86739
Clinton County to Little Miami Scenic Trail Connector	\$ 250,000	86740
Jeffrey Mansion Expansion Project	\$ 250,000	86741
Chardon Mel Harder Park Improvements	\$ 250,000	86742
Montgomery Gateway Keystone Park	\$ 250,000	86743
Hocking Valley Scenic Trail	\$ 250,000	86744
Sheffield Village Walking Trails	\$ 250,000	86745
Magnolia Flouring Mills Restoration	\$ 250,000	86746
Wilmington Parks	\$ 250,000	86747
Eastlake Field and Press Box	\$ 225,000	86748
Cleveland Zoological Society	\$ 200,000	86749
Powhatan Point Marina Improvement Project	\$ 200,000	86750
Chagrin Falls Chagrin River Retaining Walls	\$ 200,000	86751
Avon Veterans Memorial and Ice Rink	\$ 200,000	86752
London Access Cowling Playground	\$ 200,000	86753
Plum Creek Recreation, Conservation, and Flood Control Project	\$ 200,000	86754
Dayton Webster Station Landing	\$ 200,000	86755
Village of New Paris Community Park Splash Pad Development	\$ 200,000	86756
Waynesburg Park	\$ 200,000	86757
Little Miami State Park / Little Miami Trail	\$ 200,000	86758
James E. Carnes Convention Center	\$ 200,000	86759
Sharonville Sharon Woods Park Improvements	\$ 175,000	86760
Monroe Crossings Park	\$ 165,000	86761
Ottawa Corridor Improvements	\$ 150,000	86762
Harrisburg Baseball Complex	\$ 150,000	86763
Hilliard Miracle Field	\$ 150,000	86764
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	86765
Moberly Branch Connector Trail-Pedestrian Bridge	\$ 150,000	86766
Willard Reservoir Recreation and Safety Upgrades	\$ 150,000	86767
Merrick Hutchinson Memorial Park	\$ 150,000	86768

Montville Township Park Improvements	\$ 150,000	86769
Medina County Rocky River Trail West Branch	\$ 150,000	86770
Middle Point Ballpark Improvements	\$ 150,000	86771
Redskin Memorial Park Playground	\$ 145,000	86772
Cahoon Memorial Park Improvements	\$ 130,000	86773
Valley View Outdoor Classroom	\$ 125,000	86774
Schines Park Stage	\$ 125,000	86775
McIntyre Park Bike Path	\$ 125,000	86776
Fairlawn Gully Water Quality Basins	\$ 125,000	86777
Fremont Upland Reservoir Trail	\$ 123,000	86778
St. Mary's Splash Pad	\$ 100,000	86779
Fairview Park Indoor Pool and Aquatics Center	\$ 100,000	86780
Maple Heights Recreation Improvements	\$ 100,000	86781
Greenville Parks Projects	\$ 100,000	86782
Concord Township History and Community Trail	\$ 100,000	86783
Upper Arlington Multi-modal Transportation Project	\$ 100,000	86784
Blue Ash Summit Park Nature Playscape	\$ 100,000	86785
Deer Park Community Center Renovation & Trailhead	\$ 100,000	86786
Fairfax Ziegler Park Improvements	\$ 100,000	86787
Filview Bike/Hike Trail-Green Township	\$ 100,000	86788
Findlay Miracle Field Upgrades	\$ 100,000	86789
Sally Buffalo Park Playground Improvement	\$ 100,000	86790
Norwalk Alex Waite Trail Project	\$ 100,000	86791
Steubenville Ohio River Marina Improvement Project	\$ 100,000	86792
City of Sylvania SOMO Project	\$ 100,000	86793
Brunswick Hills Township Park	\$ 100,000	86794
Westfield Center Village Park Improvements	\$ 100,000	86795
Racine Star Mill Park Splash Pad	\$ 100,000	86796
Meadowbrook and Clayton Community Center Renovations	\$ 100,000	86797
Earl Thomas Conley Splash Pad	\$ 100,000	86798
Akron Finish Line Park	\$ 100,000	86799
Richwood Beach and Shelter House	\$ 100,000	86800
Lebanon Countryside YMCA Trail Realignment	\$ 100,000	86801

Muskingum Township River Road Streambank Stabilization	\$ 100,000	86802
Rails to Trails of Wayne County	\$ 100,000	86803
<u>Van Wert Jubilee Park Improvements</u>	<u>\$ 100,000</u>	86804
Sandusky River Sand Dock	\$ 78,000	86805
2019 Loudonville Swimming Pool Improvements Project	\$ 75,000	86806
Jackson Street Pier and Shoreline Drive Revitalization Project	\$ 75,000	86807
Holmes County Rails to Trails Maintenance Building	\$ 75,000	86808
Jackson Manpower Park Improvements	\$ 75,000	86809
Leipsic Parks Tennis Courts and Boat Dock	\$ 75,000	86810
Western Reserve Greenway Bike Trail	\$ 75,000	86811
Smiley Park Ball Field Updates	\$ 75,000	86812
Miracle League of Northwest Ohio Restroom & Concession Building	\$ 75,000	86813
Delhi Township Bicentennial Pavilion	\$ 62,000	86814
Indian Mound Park & Cultural Education Project	\$ 60,000	86815
Plymouth Game Room and Spray Park	\$ 60,000	86816
James Day Park Splash Pad	\$ 50,000	86817
Jefferson Park Recreation Upgrades	\$ 50,000	86818
Fairborn Fairfield Park Enhancements	\$ 50,000	86819
Napoleon Buckeye Trail Connections	\$ 50,000	86820
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	86821
Manry Park Exercise Trail Improvements	\$ 50,000	86822
Avon Lake Veterans Park Gazebo	\$ 50,000	86823
Camp Sherman Park	\$ 50,000	86824
Roger Young & Biggs Kettner Parks Tennis Courts	\$ 50,000	86825
Hinton/Humiston Fitness Park	\$ 50,000	86826
Van Wert Jubilee Park Improvements	\$ 50,000	86827
Van Wert Rotary Athletic Complex Improvements	\$ 50,000	86828
Little Hocking Riverfront Park Enhancements	\$ 50,000	86829
Upper Sandusky Bicentennial Park	\$ 50,000	86830
Kelley Nature Preserve Boat Ramp	\$ 50,000	86831

Swanton Village Memorial Park Pavilion Improvements	\$	45,000	86832
Carroll Community Park	\$	40,000	86833
Michael A. Reis Park Playground	\$	35,000	86834
Monroeville Clark Park - North Coast Inland Trail Connection	\$	33,000	86835
Sam Kerr Campground Expansion	\$	25,000	86836
Crestline Park Lighting	\$	25,000	86837
Sandusky County North Inland Trail Hub	\$	25,000	86838
Miami Erie Canal Towpath Trail	\$	25,000	86839
Delphos Swimming Pool Renovations	\$	25,000	86840
Orr Pool Bathhouse Renovations	\$	25,000	86841
Ohio City Warrior Trail Extension Phase 2	\$	22,000	86842
Epworth Park Walking Trail Project	\$	20,000	86843
Clifton to Yellow Springs Bike Trail	\$	20,000	86844
Village of Roseville Park Improvements	\$	20,000	86845
Waverly Canal Park	\$	20,000	86846
Seville Memorial Park Public Restroom Facilities	\$	15,000	86847
Hinkley Township Park	\$	13,000	86848
Van Wert County Park District Trail Improvements	\$	13,000	86849
Shiloh Firestone Park Restoration	\$	12,000	86850
Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY			86851
Public Safety - Highway Purposes Fund (Fund 5TM0)			86852
C76000 Platform Scales Improvements	\$	350,000	86853
C76035 Alum Creek Facility Renovations and Upgrades	\$	1,500,000	86854
C76036 Shipley Building Renovations and Improvements	\$	1,500,000	86855
C76043 Minor Capital Projects	\$	2,500,000	86856
C76044 OSHP Headquarters/Post Renovations and Improvements	\$	2,000,000	86857
C76045 OSHP Academy Renovations and Improvements	\$	1,250,000	86858

C76050	OSHP Dispatch Center Renovations and Improvements	\$	1,500,000	86859
TOTAL Public Safety - Highway Purposes Fund		\$	10,600,000	86860
Administrative Building Fund (Fund 7026)				86861
C76049	EMA Building Renovations and Improvements	\$	250,000	86862
C76059	Medina County Driving Skills Pad	\$	250,000	86863
C76060	Medina County Safety Services Complex	\$	400,000	86864
C76061	Warren County Drug Taskforce Headquarters	\$	500,000	86865
C76063	Williams County MARCS Tower	\$	400,000	86866
C76065	Clermont County Sheriff's Safety and Training Center	\$	500,000	86867
C76066	Clinton/Fayette County MARCS Tower	\$	175,000	86868
TOTAL Administrative Building Fund		\$	2,475,000 <u>2,075,000</u>	86869
TOTAL ALL FUNDS		\$	13,075,000 <u>12,675,000</u>	86870
 Sec. 237.10. FCC FACILITIES CONSTRUCTION COMMISSION				86872
Lottery Profits Education Fund (Fund 7017)				86873
C23014	Classroom Facilities Assistance Program - Lottery Profits	\$	50,000,000	86874
TOTAL Lottery Profits Education Fund		\$	50,000,000	86875
Public School Building Fund (Fund 7021)				86876
C23001	Public School Buildings	\$	75,000,000	86877
TOTAL Public School Building Fund		\$	75,000,000	86878
Administrative Building Fund (Fund 7026)				86879
C23016	Energy Conservation Projects	\$	2,000,000	86880
C230E5	State Agency Planning/Assessment	\$	1,500,000	86881
TOTAL Administrative Building Fund		\$	3,500,000	86882
Cultural and Sports Facilities Building Fund (Fund 7030)				86883

C23023	OHS - Ohio History Center Exhibit Replacement	\$ 500,000	86884
C23024	OHS - Statewide Site Exhibit Renovation	\$ 650,000	86885
C23025	OHS - Statewide Site Repairs	\$ 1,615,000	86886
C23028	OHS - Basic Renovations and Emergency Repairs	\$ 1,000,000	86887
C23031	OHS - Harding Home State Memorial	\$ 1,500,000	86888
C23032	OHS - Ohio Historical Center Rehabilitation	\$ 1,000,000	86889
C23057	OHS - Online Portal to Ohio's Heritage	\$ 750,000	86890
C230C8	Serpent Mound	\$ 50,000	86891
C230E6	OHS - Exhibits Native American Sites	\$ 100,000	86892
C230E8	OHS - Armstrong Air and Space Museum Improvements	\$ 250,000	86893
C230ED	OHS - Historical Center/Ohio Village Buildings	\$ 390,000	86894
C230EN	OHS - Collections Storage Facilities Expansion	\$ 15,000,000	86895
C230EO	Poindexter Village Museum	\$ 247,000	86896
C230FM	Cultural and Sports Facilities Projects	\$ 69,733,500 <u>69,983,500</u>	86897
C230FN	John and Annie Glenn Museum Improvements	\$ 25,000	86898
C230FO	OHS - Marion Cemetery Association/Harding Receiving Vault Project	\$ 65,000	86899
C230X1	OHS - Site Energy Conservation	\$ 305,000	86900
C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$ 500,000	86901
TOTAL	Cultural and Sports Facilities Building	\$ 93,680,500	86902

Fund		<u>93,930,500</u>	
School Building Program Assistance Fund (Fund 7032)			86903
C23002 School Building Program Assistance	\$	475,000,000	86904
		<u>575,000,000</u>	
TOTAL School Building Program Assistance Fund	\$	475,000,000	86905
TOTAL ALL FUNDS	\$	697,180,500	86906
		<u>797,430,500</u>	
STATE AGENCY PLANNING/ASSESSMENT			86907
Capital appropriations or reappropriations in H.B. 529 of the			86908
132nd General Assembly made from appropriation item C230E5, State			86909
Agency Planning/Assessment, shall be used by the Facilities			86910
Construction Commission to provide assistance to any state agency			86911
for assessment, capital planning, and maintenance management.			86912
 Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS			 86913
The foregoing appropriation item C230FM, Cultural and Sports			86914
Facilities Projects, shall be used to support the projects listed			86915
in this section. If the Cincinnati MLS franchise is not awarded by			86916
December 31, 2018, funds for the FC Cincinnati Stadium shall not			86917
be released for this purpose.			86918
Project Description		Amount	86919
Columbus Crew SC Stadium	\$	15,000,000	86920
COSI Redevelopment	\$	5,000,000	86921
FC Cincinnati Stadium	\$	4,000,000	86922
Cleveland Museum of Natural History Phase II	\$	2,500,000	86923
Cincinnati Museum Center STEM and Space Galleries	\$	2,000,000	86924
Cleveland Museum of Art Holden Terrace	\$	1,250,000	86925
Cincinnati Playhouse in the Park Theater Project	\$	1,200,000	86926
Playhouse Square Parking District Improvement	\$	1,000,000	86927
BalletMet Renovation and Building Connector	\$	1,000,000	86928
North Market Grand Atrium	\$	1,000,000	86929
Cincinnati Art Museum Building Envelope Improvements	\$	1,000,000	86930

Imagination Station Theater Experience	\$ 1,000,000	86931
Toledo Museum of Art	\$ 1,000,000	86932
Dayton Arcade Innovation Hub	\$ 1,000,000	86933
Playhouse Square Theater Improvements	\$ 850,000	86934
Murphy Theatre Improvements	\$ 750,000	86935
Gordon Square Arts District Theatre Renovations	\$ 750,000	86936
Renovations of the Palace Theater	\$ 750,000	86937
Dayton Art Institute Historic Stair and Hillside Preservation	\$ 750,000	86938
Mansfield Art Center Art Rising	\$ 750,000	86939
Renaissance of Duncan Plaza	\$ 750,000	86940
Karamu House	\$ 700,000	86941
Akron Civic Theater Restoration and Expansion	\$ 675,000	86942
Holmes County Center for the Arts Facility	\$ 600,000	86943
The Music Settlement	\$ 550,000	86944
Ohio Aviation Hall of Fame	\$ 550,000	86945
Stan Hywet Hall & Gardens Campus Improvement Plan	\$ 550,000	86946
Schine's Theater	\$ 500,000	86947
Flats East Bank Performance Stage	\$ 500,000	86948
Columbus Zoo - Elephant Habitat Enhancements	\$ 500,000	86949
Columbus Zoo - Orangutan Habitat and Indoor Facility	\$ 500,000	86950
King Arts Complex Renovations	\$ 500,000	86951
Westerville Police Memorial	\$ 500,000	86952
Center for Holocaust & Humanity Center Expansion & Relocation	\$ 500,000	86953
Riverbend Music Center Capital Improvements	\$ 500,000	86954
Cincinnati Contemporary Arts Center Learning Center Renovation	\$ 500,000	86955
SeaGate Convention Centre Renovation	\$ 500,000	86956
Majestic Theater	\$ 500,000	86957
Canton Cultural Center for the Arts	\$ 500,000	86958
Canton Market Square Enhancement	\$ 500,000	86959
Akron Zoological Park Pride of Africa and Wild Asia	\$ 500,000	86960

Kettering Rosewood Arts Center Renovation	\$	450,000	86961
Valentine Theatre Symphonic Acoustical Enhancement	\$	400,000	86962
Restoration of John Brown House	\$	400,000	86963
Champaign Aviation Museum Work & Education Space	\$	350,000	86964
Lake View Cemetery Garfield Memorial Preservation	\$	350,000	86965
Mazza Museum S.T.E.(A.)M. Exhibit Gallery	\$	350,000	86966
Lynchburg Covered Bridge	\$	350,000	86967
Victoria Theater Arts Annex	\$	350,000	86968
Kister Water Mill and Education Center Improvements	\$	350,000	86969
The Historic Mary Modroo Family Farm	\$	325,000	86970
Glenville Arts Campus	\$	300,000	86971
LaSalle Arts & Media Center Redevelopment	\$	300,000	86972
National Museum of the Great Lakes Expansion	\$	300,000	86973
Ashtabula Lighthouse Restoration & Preservation	\$	280,000	86974
Gaslight District Renovation Project	\$	250,000	86975
Historic Sorg Opera House Renovation	\$	250,000	86976
Springfield Museum of Art Improvements	\$	250,000	86977
Historical Stratford Barn Restoration	\$	250,000	86978
Cincinnati Shakespeare Company Facility Renovation	\$	250,000	86979
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	250,000	86980
Medina Town Square Improvements	\$	250,000	86981
Dayton Society of Natural History Boonshoft Exhibit Space	\$	250,000	86982
Zanesville Performing Arts Theater Preservation	\$	250,000	86983
Preble County Art Association Historic Renovation	\$	250,000	86984
Yoctangee Park Historic Armory	\$	250,000	86985
McKinley Presidential Library and Museum Enhancements	\$	250,000	86986
Massillon Museum Improvements	\$	250,000	86987
Hale Farm & Village Capital Improvement Project	\$	250,000	86988
<u>Springboro Performing Arts Center</u>	<u>\$</u>	<u>250,000</u>	86989
Delaware Arts Castle Improvements	\$	225,000	86990
Wellston Pride Park Depot	\$	225,000	86991

Lilly Weston House Improvements	\$	200,000	86992
Upper Arlington Veterans Memorial	\$	200,000	86993
Sauder Village Walk Through Time	\$	200,000	86994
Wolcott House Heritage Center	\$	200,000	86995
Great Lakes Museum of Natural History	\$	200,000	86996
Medina County and Brunswick Historical Societies Project	\$	200,000	86997
Ohio State Reformatory Fire Suppression and ADA Upgrades	\$	200,000	86998
Peninsula Grand Army of the Republic Hall Improvements	\$	200,000	86999
Van Wert County Niswonger Performing Arts Center	\$	200,000	87000
Unionville Tavern Restoration Structural Rehabilitation	\$	185,000	87001
Beach Park Railway Museum Improvements	\$	175,000	87002
Wright Factory Unit - Dayton	\$	175,000	87003
Freer Children's County Home	\$	170,000	87004
Cozad-Bates House Interpretive Center and Cultural Park Renovations	\$	180,000	87005
Grand Theater Restoration Project	\$	150,000	87006
Village of Genoa Civic Theater Renovations	\$	150,000	87007
Glamorgan Castle Improvements	\$	150,000	87008
Sandusky State Theater Improvements	\$	125,000	87009
Gallipolis Railroad Freight Station Museum Restoration	\$	125,000	87010
Evendale Cultural Arts Center ADA Compliance	\$	125,000	87011
Lorain Carnegie Center Exhibits	\$	125,000	87012
Lorain County Historical Society	\$	112,000	87013
Southeast Ohio History Center Renovation Project	\$	100,000	87014
Great Stone Viaduct Park	\$	100,000	87015
BAYarts Huntington Playhouse Improvements	\$	100,000	87016
Cleveland Museum of Contemporary Art	\$	100,000	87017
Levi Scofield Mansion Transformation	\$	100,000	87018

El Mercado at La Villa Hispana Cultural Revitalization	\$	100,000	87019
Mayfield Civic Center Theater Renovation	\$	100,000	87020
2018 North Royalton Cemetery Improvements	\$	100,000	87021
Leesburg Historic B & O Rail Depot	\$	100,000	87022
Lorain County Law Enforcement and Firefighters Memorial	\$	100,000	87023
The Funk Music Hall of Fame & Exhibition Center	\$	100,000	87024
Shawnee Development/Tecumseh Theater Restoration	\$	100,000	87025
Jacob Miller's Tavern Renovation	\$	100,000	87026
The Arthur-Lugibihl Community Center Restoration	\$	100,000	87027
Marietta Armory Revitalization	\$	100,000	87028
Stuart's Opera House Renovation	\$	75,000	87029
AuGlaize Village Mansfield Museum	\$	75,000	87030
Morris-Sharp Estate Restoration Project	\$	75,000	87031
Willoughby Fine Arts Association	\$	75,000	87032
Mantua Township Historic Building Upgrades	\$	75,000	87033
Clinton County Police and Fire Memorial	\$	75,000	87034
Sugarloaf Mountain Amphitheatre Improvements	\$	70,000	87035
LaGrange Township Fire Station Restoration	\$	65,000	87036
Medina Historical Society - John Smart Museum	\$	65,000	87037
Downtown Ottawa's "Paul's Lot"	\$	65,000	87038
Rose Hill Museum Repairs	\$	62,000	87039
Milford Leming House Improvements	\$	60,000	87040
Weatherwane Playhouse Improvements	\$	60,000	87041
Medina Vietnam Veterans Memorial	\$	60,000	87042
Frostville Museum Schoolhouse	\$	50,000	87043
Pepper Pike Community Theater	\$	50,000	87044
AHA! Children's Museum STEM/Nature Play Area	\$	50,000	87045
Motts Military Museum - Improvements	\$	50,000	87046
Silverton Park Art District Improvement Project	\$	50,000	87047
Clark Gable Facility Improvements	\$	50,000	87048
Tiffin History Museum Improvements	\$	50,000	87049

Case-Barlow Farm Restoration	\$	50,000	87050
Cuyahoga Valley Scenic Railroad Parking Lot	\$	50,000	87051
Avalon Uptown Theatre Restoration	\$	50,000	87052
Holmes County Historical Society Museum Upgrades	\$	30,000	87053
Platt R. Spencer House Preservation	\$	25,000	87054
Bucyrus Bicentennial Arch Project	\$	25,000	87055
Fairborn Military Veterans Memorial	\$	25,000	87056
Salt Lick Village Restoration	\$	25,000	87057
Medina Twin Tower Memorial	\$	25,000	87058
Bradford Rail Museum Tower Exhibits	\$	25,000	87059
Lewisburg Bicentennial Museum	\$	25,000	87060
Cortland Veterans Memorial Project	\$	25,000	87061
Historic 19th Century Jefferson Depot Village	\$	22,500	87062
Lake Erie Nature and Science Center Improvements	\$	15,000	87063
French Art Colony Renovations	\$	15,000	87064
1893 Genoa Schoolhouse Renovation	\$	12,000	87065
Seville Vietnam War Memorial	\$	5,000	87066

Section 601.16. That existing Sections 223.15, 227.10, 87067
237.10, and 237.13 of H.B. 529 of the 132nd General Assembly, as 87068
most recently amended by Am. Sub. S.B. 51 of the 132nd General 87069
Assembly, is hereby repealed. 87070

Section 601.17. On the effective date of this section, or as 87071
soon as possible thereafter, the Director of Budget and Management 87072
shall cancel encumbrances totaling \$250,000 against Fund 7034 87073
appropriation item C37728, Hopkins Commons Senior Center. 87074

Section 601.18. That Section 221.13 of H.B. 529 of the 132nd 87075
General Assembly, as most recently amended by Am. Sub. S.B. 299 of 87076
the 132nd General Assembly, be amended to read as follows: 87077

Sec. 221.13. COMMUNITY ASSISTANCE PROJECTS 87078

Capital appropriations or reappropriations in this act made 87079
from appropriation item C58001, Community Assistance Projects, may 87080
be used for facilities constructed or to be constructed pursuant 87081
to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the 87082
authority granted by section 154.20 and other applicable sections 87083
of the Revised Code and the rules issued pursuant to those 87084
chapters and that section and shall be distributed by the 87085
Department of Mental Health and Addiction Services subject to 87086
Controlling Board approval. 87087

Of the foregoing appropriation item C58001, Community 87088
Assistance Projects, ~~\$9,470,000~~ 9,570,000 shall be used to support 87089
the projects listed in this section. 87090

Project Description	Amount	
Bellefaire JCB Expansion	\$ 1,000,000	87092
Dayton Regional Crisis Stabilization Unit and Detox Center	\$ 800,000	87093
Stella Maris Expansion	\$ 750,000	87094
Cuyahoga County Mental Health Jail Diversion Facility	\$ 700,000	87095
Cornerstone of Hope - Cuyahoga County	\$ 500,000	87096
Lorain County Recovery One Center Renovation	\$ 500,000	87097
Cincinnati Center for Addiction Treatment Facility Improvements	\$ 450,000	87098
Tri-County One Wellness Place Troy Facility	\$ 450,000	87099
Portage County Detoxification and Residential Treatment Center	\$ 400,000	87100
The Cocoon Center for Victims of Domestic and Sexual Violence	\$ 375,000	87101
Applewood Jones Home Renovation	\$ 350,000	87102
Hamilton County First Step Home Improvements	\$ 350,000	87103
Sidney STAR Transitional Treatment House	\$ 325,000	87104
Opiate Treatment Center at Western Reserve Area	\$ 300,000	87105

on Aging

Alvis House Opiate Addiction Treatment Center	\$	300,000	87106
Adams County Wilson Children's Home	\$	250,000	87107
Concord Counseling Services Facility and Operations Expansion at Westerville	\$	250,000	87108
Field of Hope Prevention Center Renovations at Gallipolis	\$	250,000	87109
Cornerstone of Hope - Allen County	\$	200,000	87110
Lake County Extended Housing Wellness Center Renovation	\$	200,000	87111
Lake County Painesville Addiction Recovery Center	\$	160,000	87112
Building Franklin's Hope Project	\$	150,000	87113
Maryhaven's Addiction Stabilization Center	\$	125,000	87114
Henry County Opiate Interoperable Communications Project	\$	110,000	87115
Massillon Recovery Campus Renovations	\$	100,000	87116
<u>Medina County Women's Recovery House</u>	\$	<u>100,000</u>	87117
Talbert House Glenway Outpatient Treatment Center Renovations	\$	75,000	87118
Coshocton County First Step Family Violence Intervention Services Building	\$	50,000	87119

Section 601.19. That existing Section 221.13 of H.B. 529 of 87120
the 132nd General Assembly, as most recently amended by Am. Sub. 87121
S.B. 299 of the 132nd General Assembly, is hereby repealed. 87122

Section 601.20. That Sections 213.20, 223.10, and 223.50 of 87123
H.B. 529 of the 132nd General Assembly, as most recently amended 87124
by Am. Sub. H.B. 62 of the 133rd General Assembly, be amended to 87125
read as follows: 87126

Sec. 213.20. The Treasurer of State is hereby authorized to 87127
issue and sell, in accordance with Section 2i of Article VIII, 87128

Ohio Constitution, Chapter 154. of the Revised Code, and other 87129
 applicable sections of the Revised Code, original obligations in 87130
 an aggregate principal amount not to exceed ~~\$122,800,000~~ 87131
\$127,500,000 in addition to the original issuance of obligations 87132
 heretofore authorized by prior acts of the General Assembly. These 87133
 authorized obligations shall be issued, subject to applicable 87134
 constitutional and statutory limitations, as needed to provide 87135
 sufficient moneys to the credit of the Administrative Building 87136
 Fund (Fund 7026) to pay costs associated with previously 87137
 authorized capital facilities for the housing of branches and 87138
 agencies of state government or their functions. 87139

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 87140

Oil and Gas Well Fund (Fund 5180) 87141

C725U6 Oil and Gas Facilities \$ 1,150,000 87142

TOTAL Oil and Gas Well Fund \$ 1,150,000 87143

Wildlife Fund (Fund 7015) 87144

C725B0 Access Development \$ ~~15,000,000~~ 87145

18,000,000

C725B6 Upgrade Underground Fuel Tanks \$ 460,000 87146

C725K9 Wildlife Area Building \$ 9,950,000 87147

Development/Renovation

C725L9 Dam Rehabilitation \$ 6,200,000 87148

TOTAL Wildlife Fund \$ ~~31,610,000~~ 87149

34,610,000

Administrative Building Fund (Fund 7026) 87150

C725D5 Fountain Square Building and Telephone \$ 2,000,000 87151

Improvement

C725N7 District Office Renovations \$ 2,455,343 87152

TOTAL Administrative Building Fund \$ 4,455,343 87153

Ohio Parks and Natural Resources Fund (Fund 7031) 87154

C72549	Facilities Development	\$	1,500,000	87155
C725E1	Local Parks Projects Statewide	\$	6,668,925	87156
C725E5	Project Planning	\$	1,147,700	87157
C725K0	State Park Renovations/Upgrading	\$	1,100,000	87158
C725M0	Dam Rehabilitation	\$	11,928,000	87159
C725N8	Operations Facilities Development	\$	1,000,000	87160
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	87161
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	87162
Parks and Recreation Improvement Fund (Fund 7035)				87163
<u>C72513</u>	<u>Land Acquisition</u>	<u>\$</u>	<u>47,000,000</u>	87164
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	87165
C725C4	Muskingum River Lock and Dam	\$	6,800,000	87166
C725E2	Local Parks, Recreation, and	\$	31,351,000	87167
	Conservation Projects		<u>31,751,000</u>	
C725E6	Project Planning	\$	4,082,793	87168
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	87169
C725R3	State Parks Renovations/Upgrades	\$	8,640,000	87170
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	87171
C725U5	The Banks	\$	2,000,000	87172
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	87173
TOTAL Parks and Recreation Improvement Fund		\$	167,508,136	87174
			<u>214,408,136</u>	
Clean Ohio Trail Fund (Fund 7061)				87175
C72514	Clean Ohio Trail Fund	\$	12,500,000	87176
TOTAL Clean Ohio Trail Fund		\$	12,500,000	87177
TOTAL ALL FUNDS		\$	260,568,104	87178
			<u>306,468,104</u>	
FEDERAL REIMBURSEMENT				87179
All reimbursements received from the federal government for				87180
any expenditures made pursuant to this section shall be deposited				87181
in the state treasury to the credit of the fund from which the				87182
expenditure originated.				87183

HEALTHY LAKE ERIE INITIATIVE 87184

Of the foregoing appropriation item C725T3, Healthy Lake Erie 87185
Initiative, \$10,000,000 shall be used to support projects that 87186
enhance efforts to reduce open lake disposal of dredged materials 87187
into Lake Erie by 2020. 87188

STATE PARKS RENOVATIONS/UPGRADES 87189

Of the foregoing appropriation item C725R3, State Parks 87190
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 87191
to the Kenny Road dock on North Bass Island in Ottawa County. 87192

EAGLE CREEK WATERSHED FLOOD MITIGATION 87193

The foregoing appropriation item C725U7, Eagle Creek 87194
Watershed Flood Mitigation, shall be used to support the Eagle 87195
Creek Watershed Flood Mitigation Project in Hancock County, 87196
provided that there are local matching funds committed to the 87197
project of not less than twenty per cent of the total project 87198
cost. 87199

Sec. 223.50. The Treasurer of State is hereby authorized to 87200
issue and sell, in accordance with Section 2i of Article VIII, 87201
Ohio Constitution, and Chapter 154. of the Revised Code, 87202
particularly section 154.22, and other applicable sections of the 87203
Revised Code, original obligations in an aggregate principal 87204
amount not to exceed ~~\$134,500,000~~ \$181,400,000, in addition to the 87205
original issuance of obligations heretofore authorized by prior 87206
acts of the General Assembly. These authorized obligations shall 87207
be issued, subject to applicable constitutional and statutory 87208
limitations, as needed to provide sufficient moneys to the credit 87209
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 87210
the costs of capital facilities for parks and recreation purposes. 87211

Section 601.21. That existing Sections 213.20, 223.10, and 87212
223.50 of H.B. 529 of the 132nd General Assembly, as most recently 87213

amended by Am. Sub. H.B. 62 of the 133rd General Assembly, are 87214
hereby repealed. 87215

Section 601.22. That Sections 125.10 and 125.11 of Am. Sub. 87216
H.B. 59 of the 130th General Assembly, as most recently amended by 87217
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 87218
as follows: 87219

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 87220
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 87221
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 87222
repealed, effective October 16, ~~2019~~ 2021. 87223

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 87224
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 87225
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 87226

Section 601.23. That existing Sections 125.10 and 125.11 of 87227
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 87228
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 87229
hereby repealed. 87230

Section 601.30. That Section 207.71 of Am. Sub. H.B. 49 of 87231
the 132nd General Assembly be amended to read as follows: 87232

Sec. 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM 87233

(A) As used in this section, "social service intermediary" 87234
has the same meaning as in section 125.66 of the Revised Code, as 87235
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 87236

(B) Not later than six months after ~~the effective date of~~ 87237
~~this section~~ June 29, 2017, the Director of Administrative 87238
Services shall, in consultation with the Department of Health and 87239

as part of the Pay for Success Contracting Program established 87240
under section 125.66 of the Revised Code, as enacted by Am. Sub. 87241
H.B. 49 of the 132nd General Assembly, contract with one or more 87242
social service intermediaries to administer one or two pilot 87243
projects intended to do both of the following: 87244

(1) Reduce the incidence of infant mortality, low-birthweight 87245
births, premature births, and stillbirths in the urban and rural 87246
communities of this state that are specified by the Director of 87247
Health under section 3701.142 of the Revised Code; 87248

(2) Promote equity in birth outcomes among infants of 87249
different races in this state. 87250

(C) The Director of Administrative Services may request that 87251
the Director of Health pay the costs of the Pay for Success 87252
Contracting Program under appropriations to the Department of 87253
Health. Upon approval of the Director of Health, these costs shall 87254
be paid from General Revenue Fund appropriation item 440474, 87255
Infant Vitality. 87256

(D) Notwithstanding any contrary provision of sections 113.60 87257
to 113.62 of the Revised Code, the Director of Administrative 87258
Services and the Department of Health may continue to contract 87259
with social service intermediaries to administer the pilot 87260
projects described in division (B) of this section in accordance 87261
with this section and sections 125.66 and 125.661 of the Revised 87262
Code, as enacted by Am. Sub. H.B. 49 of the 132nd General 87263
Assembly, on and after the effective date of this amendment. 87264

Section 601.31. That existing Section 207.71 of Am. Sub. H.B. 87265
49 of the 132nd General Assembly is hereby repealed. 87266

Section 603.01. That Section 5 of Am. Sub. H.B. 410 of the 87267
131st General Assembly be amended to read as follows: 87268

~~Sec. 5. The amendment made by this act to division (G) of section 5919.34 of the Revised Code applies to a A scholarship recipient who became is not liable on or before September 30, 2016, under division (G) of section 5919.34 of the Revised Code for failure to complete the scholarship recipient's enlistment term in the Ohio National Guard due to enlistment, warrant, commission, or appointment in the National Guard, the active duty component of the United States Armed Forces, or other service or component of the United States Armed Forces, if such failure occurred between April 2, 2012, and the effective date of this amendment. Not later than one year after the effective date of this act, the state shall return to a scholarship recipient, who is no longer liable under this section, any scholarship amount recovered from a scholarship recipient who became liable under division (G) of section 5919.34 of the Revised Code, on or before September 30, 2016.~~

Section 603.02. That existing Section 5 of Am. Sub. H.B. 410 of the 131st General Assembly is hereby repealed.

Section 603.10. That Section 205.10 of Am. Sub. H.B. 62 of the 133rd General Assembly be amended to read as follows:

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund								
GRF 761408	Highway Patrol	\$	0	\$	35,000,000			
	Operating Expenses							
TOTAL GRF	General Revenue Fund	\$	0	\$	35,000,000			
Highway Safety Fund Group								
5TM0 761401	Public Safety	\$	1,595,800	\$	1,598,300			
	Facilities Lease							
	Rental Bond Payments							

5TM0	762321	Operating Expense - BMV	\$	108,178,738	\$	111,822,673	87295
5TM0	762636	Financial Responsibility Compliance	\$	5,463,977	\$	5,540,059	87296
5TM0	762637	Local Immobilization Reimbursement	\$	200,000	\$	200,000	87297
5TM0	764321	Operating Expense - Highway Patrol	\$	345,534,531	\$	349,339,662 <u>314,339,662</u>	87298
5TM0	764605	Motor Carrier Enforcement Expenses	\$	4,283,940	\$	4,308,088	87299
5TM0	769636	Administrative Expenses - Highway Purposes	\$	48,326,950	\$	49,020,261	87300
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263	87301
83C0	764630	Contraband, Forfeiture, and Other	\$	1,210,917	\$	1,213,407	87302
83F0	764657	Law Enforcement Automated Data System	\$	6,903,824	\$	6,441,735	87303
83G0	764633	OMVI Enforcement/Education	\$	593,518	\$	596,799	87304
83M0	765624	Operating - EMS	\$	5,281,688 <u>4,850,688</u>	\$	5,521,843 <u>5,020,843</u>	87305
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	87306
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	87307
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	87308
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	87309
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	87310
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	87311

8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	87312
TOTAL HSF Highway Safety Fund Group							
			\$	584,493,868	\$	592,807,136	87313
				<u>584,062,868</u>		<u>557,306,136</u>	
Dedicated Purpose Fund Group							
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	87315
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	87316
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	87317
TOTAL DPF Dedicated Purpose Fund Group							
			\$	2,274,000	\$	2,274,000	87318
Fiduciary Fund Group							
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	87320
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	87321
TOTAL FID Fiduciary Fund Group							
			\$	3,450,000	\$	3,450,000	87322
Holding Account Fund Group							
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	87324
R052	762623	Security Deposits	\$	50,000	\$	50,000	87325
TOTAL HLD Holding Account Fund Group							
			\$	1,935,000	\$	1,935,000	87326
Federal Fund Group							
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	87328
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	87329
3GS0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	87330

3GU0 761610	Information and Education Grant	\$	300,000	\$	300,000	87331
3GU0 764608	Fatality Analysis Report System Grant	\$	175,000	\$	175,000	87332
3GU0 764610	Highway Safety Programs Grant	\$	4,036,721	\$	4,071,387	87333
3GU0 764659	Motor Carrier Safety Assistance Program Grant	\$	5,755,900	\$	5,816,116	87334
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	87335
3GV0 761612	Traffic Safety Action Plan Grants	\$	30,200,000	\$	30,200,000	87336
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	87337
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	678,658,897	87338
			<u>634,816,038</u>		<u>643,157,897</u>	

Section 603.11. That existing Section 205.10 of Am. Sub. H.B. 87340
62 of the 133rd General Assembly is hereby repealed. 87341

Section 610.10. That Sections 4, 5, and 6 of Am. Sub. H.B. 70 87342
of the 131st General Assembly are hereby repealed. 87343

Section 701.10. Notwithstanding any provision of the Revised 87344
Code to the contrary, designees of the Office of Budget and 87345
Management and the Department of Administrative Services jointly 87346
shall review agency functions and programs and determine if any 87347
overlap or duplicative functions exist and shall collaborate with 87348
affected agencies in the course of their review. The designees 87349
shall determine the cost-effectiveness of the programming in terms 87350
of administrative and operational costs, including facilities, 87351
personnel, technology, supplies, contracts, and services. 87352
Following review and not later than January 1, 2020, the Directors 87353
of Budget and Management and Administrative Services jointly shall 87354

determine, in consultation with the affected agencies, the 87355
functions that may be consolidated within and across state 87356
departments, with particular emphasis on facilities utilization, 87357
laboratory testing facility consolidation, and field or regional 87358
office operation consolidation. The determination also may include 87359
other functions, programs, and services that would reduce costs 87360
and improve services and would be suitable for operation within 87361
the Office of Budget and Management's Shared Services Center. 87362

Should the consolidation of functions result in consolidation 87363
within the Shared Services Center or otherwise impact any employee 87364
not subject to Chapter 4117. of the Revised Code, the Director of 87365
Administrative Services may assign, reassign, classify, 87366
reclassify, transfer, reduce, promote, or demote any employee so 87367
transferred. Any employment records and actions, including 87368
personnel actions, disciplinary actions, performance improvement 87369
plans, and performance evaluations transfer with the employee. 87370
These employees are subject to the policies, procedures, and work 87371
rules of the agency to which they are transferred. The Director of 87372
Administrative Services also may transfer all equipment and assets 87373
relating to the program or function that is being consolidated to 87374
the department that is to be responsible for the functions after 87375
consolidation occurs. 87376

On or after the effective date of the respective 87377
consolidation of functions and notwithstanding any provision of 87378
law to the contrary, the Director of Budget and Management may 87379
make budget changes made necessary by this section, including 87380
cancelling encumbrances and reestablishing them as encumbrances of 87381
the department that is to be responsible for the functions after 87382
consolidation occurs. Any reestablished encumbrances are hereby 87383
appropriated. 87384

Section 701.20. On the effective date of this act, or as soon 87385

as possible thereafter, the Director of Budget and Management 87386
shall transfer the cash balance from all money collected under 87387
sections 718.80 to 718.95 of the Revised Code, if any, in the 87388
municipal income tax fund to the municipal net profit tax fund. 87389

Section 701.30. COORDINATION OF BENEFITS 87390

The Development Services Agency and the Department of Job and 87391
Family Services may collaborate to coordinate benefits available 87392
to eligible Ohioans. By evaluating current procedures and working 87393
toward a goal of developing a single application for eligible 87394
customers, the agencies shall work to produce new efficiencies and 87395
prevent duplication of efforts. 87396

Section 701.40. RECOVERY HOUSING PILOT PROGRAM 87397

The Department of Mental Health and Addiction Services shall 87398
work with the Development Services Agency to develop a pilot 87399
program in partnership with rural Ohio counties hard hit by the 87400
opioid epidemic to enhance funding availability for recovery 87401
housing. This partnership may include local OhioMeansJobs and Job 87402
and Family Services entities to develop workforce job training and 87403
employer participation for those individuals participating in 87404
recovery housing programs. 87405

Section 701.53. Any money the Attorney General collects or 87406
receives on behalf of the state pursuant to a court order in a 87407
legal proceeding against a drug manufacturer or other joined party 87408
regarding the manufacture, distribution, or promotion of opioid 87409
analgesics, and that is not designated by the court to be used for 87410
a specific purpose, may be spent by appropriation of the General 87411
Assembly only. This provision applies notwithstanding sections 87412
109.111 and 109.112 and Chapter 127. of the Revised Code. 87413

Section 709.10. The Director of Agriculture may reimburse the 87414
license application fee paid by a person for a pet store license 87415
if both of the following apply: 87416

(A) The person holds a valid pet store license issued under 87417
section 956.21 of the Revised Code on the effective date of this 87418
section; and 87419

(B) The person no longer qualifies as an owner or operator of 87420
a pet store as a result of the amendment by this act of the 87421
definition of "pet store" in section 956.01 of the Revised Code. 87422

Section 715.10. Except for an applicant for a nonresident 87423
youth hunting license who shall pay nine dollars for an annual 87424
license as specified in section 1533.10 of the Revised Code, an 87425
applicant for a hunting or fishing license who is not a resident 87426
of a reciprocal state, and a nonresident applicant for a deer 87427
permit shall pay the annual fee for each license or permit through 87428
December 31, 2019, in accordance with the fee schedule established 87429
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 87430

Section 717.11. (A) The Agricultural Society Facilities Grant 87431
Program is hereby created for fiscal year 2020 to provide grants 87432
to county agricultural societies established under section 1711.01 87433
of the Revised Code and independent agricultural societies 87434
established under section 1711.02 of the Revised Code to support 87435
capital projects that enhance the use and enjoyment of 87436
agricultural society facilities by individuals. Agricultural 87437
societies may apply to the Director of Agriculture for monetary 87438
assistance for the acquisition, construction, reconstruction, 87439
expansion, improvement, planning, and equipping of such 87440
facilities. Except as provided in division (D) of this section, 87441
each county agricultural society and each independent agricultural 87442
society that applies for assistance shall receive an equal amount 87443

appropriated for those purposes. 87444

(B) Not later than ninety days after the effective date of 87445
this section and subject to division (D) of this section, the 87446
Director or the Director's designee shall establish requirements 87447
and procedures for the administration of the Agricultural Society 87448
Facilities Grant Program, including establishing a grant 87449
application form, procedures for reviewing an application, 87450
procedures for awarding grant money, and any other requirements 87451
and procedures the Director or the Director's designee determines 87452
to be necessary to administer this section. In issuing grants 87453
under the Grant program, the Director shall require each 87454
agricultural society receiving a grant to provide a matching 87455
amount equal to the amount of the grant, unless an agricultural 87456
society can demonstrate in a manner acceptable to the Director 87457
that the agricultural society cannot provide the matching amount. 87458
The matching amount may be any combination of funding, materials, 87459
and donated labor. Documentation of the matching amount shall be 87460
submitted with the grant application. 87461

(C) An agricultural society that applies for a grant under 87462
the Program shall submit the grant application and matching amount 87463
documentation to the Director or the Director's designee not later 87464
than May 30, 2020, in accordance with the requirements and 87465
procedures established by the Director or the Director's designee 87466
and this section. 87467

(D) After reviewing a grant application and matching amount 87468
documentation, the Director or the Director's designee shall 87469
approve the application unless one of the following applies: 87470

(1) The project or facility that is the subject of the 87471
application is not a bondable capital improvement project. 87472

(2) The agricultural society does not provide a matching 87473
amount as required in division (B) of this section, unless the 87474

agricultural society demonstrates to the Director that the society 87475
cannot provide the matching amount. 87476

The Director or the Director's designee shall award all 87477
grants not later than June 30, 2020, and shall so notify each 87478
grant recipient. 87479

Section 733.10. If a city, local, or exempted village school 87480
district experienced an increase in the taxable value of all 87481
utility tangible personal property subject to taxation by the 87482
district between tax years 2017 and 2018 and, as a result, the 87483
Department of Education deducted funds from the district under 87484
division (B) of section 3317.028 of the Revised Code, as it 87485
existed prior to the effective date of this section, the 87486
Department, during the fiscal year that begins after that 87487
effective date, shall credit the deducted amount to the district. 87488

Section 733.30. (A) The STEM Public-Private Partnership Pilot 87489
Program is hereby created. The program shall operate for fiscal 87490
years 2020 and 2021 to encourage public-private partnerships 87491
between high schools, colleges, and the community to provide high 87492
school students the opportunity to receive education and training 87493
in a targeted industry, as defined by JobsOhio established under 87494
section 187.01 of the Revised Code, while simultaneously earning 87495
high school and college credit for the course. The Chancellor of 87496
Higher Education shall administer the program and select five 87497
partnerships, one from each quadrant of the state and one from the 87498
central part of the state, each to receive a one-time grant of 87499
\$100,000. No partnership that received a grant under Section 87500
733.13 of Am. Sub. H.B. 64 of the 131st General Assembly shall be 87501
eligible to receive a grant under this section. 87502

(B) The Chancellor shall adopt rules for the implementation 87503
of the STEM Public-Private Partnership Pilot Program, including 87504

the requirements for applying for program approval. The rules also 87505
shall include, but not be limited to, all of the following 87506
operational requirements for the program: 87507

(1) Partnerships shall consist of one community college or 87508
state community college, one or more private companies, and one or 87509
more high schools, either public or private. 87510

(2) For purposes of the program, the partnering community 87511
college or state community college shall pursue one targeted 87512
industry during the pilot period. However, the college may partner 87513
with multiple private companies within that industry. 87514

(3) Students that take courses offered under the program 87515
shall earn college credit for that class from the community or 87516
state community college. 87517

(4) Students, high schools, and colleges that participate in 87518
this program shall do so under the College Credit Plus Program 87519
established under Chapter 3365. of the Revised Code. 87520

(5) The curriculum offered by the program shall be developed 87521
by and agreed upon by all members of the partnership. 87522

(6) The private company or companies that are part of the 87523
partnership shall provide full- or part-time facilities to be used 87524
as classroom space. 87525

(C) The Chancellor shall develop an application and review 87526
process to select the five partnerships to receive grants under 87527
the program. The community college or state community college 87528
shall be responsible for submitting the application for the 87529
partnership to the Chancellor. The application shall include a 87530
proposed budget for the program. 87531

(D) The Chancellor shall select the five partnerships for the 87532
program based on the following considerations: 87533

(1) Whether the partnership existed before the application 87534

was submitted;	87535
(2) Whether the program is oriented toward a targeted industry;	87536 87537
(3) The likelihood of a student gaining employment upon graduating from high school or upon completing a two-year degree in the industry to which the program is oriented in relation to its geographic region;	87538 87539 87540 87541
(4) The number of students projected to be served;	87542
(5) The program's cost-per-student;	87543
(6) The sustainability of the program beyond the duration of the two-year pilot program;	87544 87545
(7) The level of investment made by the private company partner or partners in the program, including use of facilities, equipment, and staff and financially.	87546 87547 87548
(E) The partnerships selected may use the grants awarded under this section for only the following:	87549 87550
(1) Transportation;	87551
(2) Classroom supplies, including, but not limited to, textbooks, furniture, and technology;	87552 87553
(3) Primary instructors for a course offered under the program, including, but not limited to, faculty from participating high schools and community colleges or state community colleges, including adjunct faculty.	87554 87555 87556 87557
Section 733.40. (A) Effective October 1, 2019, the Joint Education Oversight Committee is abolished.	87558 87559
(B) All employees of the Committee cease to hold their positions of employment on October 1, 2019, or as soon as possible thereafter.	87560 87561 87562

(C) Any administrative business commenced but not completed 87563
by October 1, 2019, by the Committee shall be completed by the 87564
Legislative Service Commission, in the same manner, and with the 87565
same effect, as if completed by the Committee. 87566

(D) No action or proceeding pending on the effective date of 87567
this amendment is affected by the abolishment of the Committee and 87568
shall be prosecuted or defended in the name of the Legislative 87569
Service Commission. In all such actions and proceedings, the 87570
Commission shall be substituted as a party. (E) Effective October 87571
1, 2019, all records, documents, files, equipment, assets, and 87572
other materials of the Committee are transferred to the 87573
Legislative Service Commission. 87574

Section 737.10. On or after July 1, 2019, the Department of 87575
Health may establish a Substance Use Disorder Professional Loan 87576
Repayment Program. Under the Program, the Department may agree to 87577
repay all or part of the principal or interest of government or 87578
other educational loans taken by professionals providing treatment 87579
and other related services to individuals with substance use 87580
disorders. A professional participating in the Program must commit 87581
to serving in an area of the state with limited access to 87582
addiction treatment and related services. 87583

Section 737.11. On or after July 1, 2019, the Department of 87584
Health may establish a program under which a physician providing 87585
medication-assisted treatment to individuals with substance use 87586
disorders in a health resource shortage area may be eligible for 87587
financial assistance from the Department. Eligible physicians are 87588
those participating in the Physician Loan Repayment Program as 87589
described in section 3702.75 of the Revised Code. 87590

Section 737.40. The Legislative Committee on Public Health 87591
Futures is re-established. The committee shall review relevant 87592

reports previously produced by similar public health futures 87593
committees in this state. The Legislative Committee shall review 87594
the effectiveness of recommendations from those reports that are 87595
being or that have been implemented. And, based on the knowledge 87596
and insight gained from its reviews, the Legislative Committee 87597
shall make legislative and fiscal policy recommendations that it 87598
believes would improve local public health services in Ohio. 87599

The Legislative Committee, not later than December 31, 2020, 87600
shall prepare a report that describes its review of the reports 87601
and its review and of the recommendations that are being or that 87602
have been implemented, and that states and provides explanations 87603
of the Committee's new policy recommendations. 87604

The Legislative Committee shall transmit a copy of its report 87605
to the Governor, the President and Minority Leader of the Senate, 87606
and the Speaker and Minority Leader of the House of 87607
Representatives. Upon transmitting its report, the Legislative 87608
Committee ceases to exist. 87609

Each of the following associations shall appoint one 87610
individual to the Legislative Committee: the County Commissioners 87611
Association of Ohio, the Ohio Township Association, the Department 87612
of Health, the Ohio Public Health Association, the Ohio 87613
Environmental Health Association, the Ohio Boards of Health 87614
Association, the Ohio Municipal League, and the Ohio Hospital 87615
Association. The Association of Ohio Health Commissioners shall 87616
appoint two individuals to the Legislative Committee. The 87617
President and Minority Leader of the Senate each shall appoint two 87618
members to the Legislative Committee. The Speaker and Minority 87619
Leader of the House of Representatives each shall appoint two 87620
members to the Legislative Committee. Of the two appointments made 87621
by each legislative leader, one shall be a member of the General 87622
Assembly from the appointing member's chamber. Appointments shall 87623

be made as soon as possible but not later than thirty days after 87624
the effective date of this section. Vacancies on the Legislative 87625
Committee shall be filled in the same manner as the original 87626
appointment. 87627

As soon as all members have been appointed to the Legislative 87628
Committee, the President of the Senate shall fix a time and place 87629
for the committee to hold its first meeting. At that meeting, the 87630
committee shall elect from among its membership a chairperson, a 87631
vice-chairperson, and a secretary. The Director of Health shall 87632
provide the Legislative Committee with meeting and office space, 87633
equipment, and professional, technical, and clerical staff as are 87634
necessary to enable the Legislative Committee successfully to 87635
complete its work. 87636

Section 739.20. Section 3959.20 of the Revised Code as 87637
enacted by this act applies to contracts for pharmacy services and 87638
to health benefit plans, as defined in section 3922.01 of the 87639
Revised Code, entered into or amended on or after the effective 87640
date of this act. 87641

Section 747.20. A license or certificate of registration 87642
issued under Chapter 4757. of the Revised Code that is in effect 87643
on the effective date of this section shall continue in effect 87644
until the first biennial renewal date established by the 87645
Counselor, Social Worker, and Marriage and Family Therapist Board 87646
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 87647
amended by this act. No license or certificate of registration in 87648
effect on the effective date of this section is valid for more 87649
than three years after the effective date of this section. 87650

Section 747.40. RENAMING OF CERTIFICATES ISSUED BY THE STATE 87651
MEDICAL BOARD 87652

The State Medical Board may take any action it considers 87653

necessary to rename the certificates issued under Chapters 4731., 87654
4760., 4762., and 4774. of the Revised Code as licenses, as 87655
provided by the amendments made by this act to those chapters. 87656

Section 751.10. REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 87657
COUNCILS 87658

The amendment made by this act to section 5123.092 of the 87659
Revised Code providing for a reduction in citizen's advisory 87660
council membership does not affect the members holding office on 87661
the effective date of this section. The reduction shall be 87662
implemented by not filling vacancies that correspond with the 87663
changes made by this act to council membership. 87664

Section 751.40. (A) The Director of Job and Family Services 87665
shall establish a two-year Lead-Safe Home Fund Pilot Program for 87666
fiscal years 2020 and 2021 to improve housing conditions for 87667
children by providing grants to eligible property owners for 87668
lead-safe remediation actions. 87669

(B) The Director shall enter into a cooperative agreement 87670
with the Lead Safe Cleveland Coalition whereby the Coalition may 87671
make decisions and determinations regarding the Program in 87672
accordance with the Program requirements established under 87673
division (C) of this section. 87674

(C) The Director shall establish all of the following for the 87675
purposes of the Program: 87676

(1) A means to solicit applicants; 87677

(2) An application process; 87678

(3) A process for distributing and administering the grants; 87679

(4) A methodology for evaluating the eligibility of the 87680
applicants; 87681

(5) Any other procedures and requirements necessary to 87682

implement and administer the Program. 87683

(D) Not later than June 30, 2021, the Director, in 87684
consultation with the Coalition, shall issue a report of the 87685
Program's findings and outcomes to the Governor and the members of 87686
the General Assembly. 87687

Section 753.10. (A) The Governor is authorized to execute a 87688
deed or deeds in the name of the state conveying to a grantee or 87689
grantees acceptable to the Board of Trustees of Kent State 87690
University, all of the state's right, title, and interest in all 87691
or part of the following described parcels of real estate: 87692

DESCRIPTION OF 60.09 ACRES. 87693

FIRST TRACT: Being a tract of land located in Lot 18, 87694
Franklin Twp., Portage County, Ohio, and further described as 87695
follows: Beginning at an iron pipe set at the NW corner of Lot No. 87696
18 in the centerline of Township Highway 98, known as Powder Mill 87697
Road; thence S. 88° 57' E. along the N. line of Lot 18, 2408.23 87698
ft. to a point in the W. right of way line of the old P. and W. 87699
Railroad; thence S. 16° 28' W. along said Railroad W. right of way 87700
line 311.19 ft. to a steel fence post; thence N. 88° 57' W. and 87701
passing over an iron rod set 20 ft. at side of road 2204.60 ft. to 87702
an iron rod set in the centerline of Township Highway 98; thence 87703
N. 20° 54' W. along the centerline of Township Highway 98, 323.46 87704
ft. to the place of beginning and containing 15.83 acres of land 87705
as surveyed April 4, 1962, by C. B. Dodge, R. S. 1682. 87706

SECOND TRACT: Being part of Lot No. 18 in Franklin Twp. and 87707
bounded and described as follows: Beginning at the NE corner of 87708
said lot; thence S. 0° 25' E. along the lot line 9.26 chains; 87709
thence W. 5.26 chains to within 20 ft. of the easterly line of the 87710
right of way formerly P.C. & T. Railroad; thence Southwesterly 87711
parallel with said right of way 19.07 chains to the E. line of 87712
land now or formerly owned by John B. Hergenroeder; thence N. 0° 87713

30' E. 32.5 links; thence northeasterly along the easterly line of 87714
said right of way 28.25 chains to the N. line of said lot; thence 87715
S. 89° 45' E. 2.69 chains to the place of beginning, containing 87716
4.40 acres of land. 87717

THIRD TRACT: Situated in the township, county and state 87718
aforesaid and being known as part of Lot 18 in said township, 87719
bounded and described as follows: On the N. and NW by the Second 87720
Tract herein described, being a 4.40 acre tract; E. by the lot 87721
line of said Lot 18, S. by the centerline of Breakneck Creek; W. 87722
by lands of J. & J. Polichena, containing 34.00 acres of land, 87723
more or less. 87724

FOURTH TRACT: Being part of township Lot 18 and 19 in said 87725
township, bounded and described as follows: Being all of the land 87726
known as the former right of way of the B & O Railroad (now 87727
abandoned) as contained between the E. line of Township Lot 19 87728
which is also the Township line between Franklin and Ravenna 87729
Township and the centerline of the Powder Mill Road as shown by 87730
the Quit Claim Deed from the B & O Railroad to Everett L. Foote as 87731
recorded in Volume 324, Page 211, Portage County Records of Deeds 87732
and containing 5.86 acres. 87733

Deed Reference: Vol. 777 Pg. 82 87734

Auditor's Parcel Numbers: 12-018-00-00-001-000, 87735
12-018-00-00-001-002, 12-018-00-00-001-001, 12-018-00-00-002-003 87736

DESCRIPTION OF 130.25 ACRES 87737

PARCEL A: Situated in Lot 20 of Franklin Township, county and 87738
state aforesaid, and further described as follows: BEGINNING at 87739
the southeast corner of Lot 20 in said township; thence N. 1° 00' 87740
00" E. along the east line of said Lot 20 and the centerline of T. 87741
H. 98, known as Powder Mill Road, a distance of 1546.02 feet to a 87742
point on the north line of the B. & O. Railroad right of way and 87743
the true place of beginning; thence on a curve to the right along 87744

the north line of the B. & O. Railroad right of way, which has a 87745
delta of $6^{\circ} 40' 19''$; a radius of 5680.00 feet; a chord bearing of 87746
N. $64^{\circ} 10' 40''$ W. and a chord length of 661.05 feet, a distance of 87747
661.42 feet to a point; thence N. $60^{\circ} 50' 30''$ W. along the north 87748
line of the B. & O. Railroad right of way a distance of 459.76 87749
feet to an iron pipe; thence N. $86^{\circ} 23' 30''$ E. a distance of 1008. 87750
57 feet to an iron pin in the center of T. H. 98; thence S. $1^{\circ} 00'$ 87751
 $00''$ W. along the centerline of T. H. 98 a distance of 575.51 feet 87752
to the place of beginning, and containing 6.934 acres of land as 87753
surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 87754

PARCEL B: Situated in Lots 19 and 36 of Franklin Township, 87755
county and state aforesaid, and further described as follows: 87756
BEGINNING at the southwest corner of Lot 19 in said township; 87757
thence N. $1^{\circ} 00' 00''$ E. along the west line of said Lot 19 and the 87758
centerline of T. H. 98, known as Powder Mill Road, a distance of 87759
1546.02 feet to a point on the north line of the B. & O. Railroad 87760
right of way and the true place of beginning; thence continuing N. 87761
 $1^{\circ} 00' 00''$ E. along the west line of Lot 19 and the centerline of 87762
T. H. 98 a distance of 1076.56 feet to the intersection of the 87763
centerline of State Route 5, known as Kent-Ravenna Road; thence N. 87764
 $82^{\circ} 16' 00''$ E. along the centerline of S. R. 5 a distance of 87765
1336.37 feet to a point; thence S. $0^{\circ} 31' 30''$ W. a distance of 87766
1599.79 feet to an iron pipe on the north line of the B. & O. 87767
Railroad right of way; thence on a curve to the right along the 87768
north line of the B. & O. Railroad right of way which has a delta 87769
of $2^{\circ} 42' 56''$; a radius of 5655.00 feet; a chord bearing of N. 80° 87770
 $03' 30''$ W. and chord length of 268.00 feet a distance of 268.02 87771
feet to a point; thence S. $11^{\circ} 17' 58''$ W. a distance of 25.00 feet 87772
to a point; thence on a curve to the right along the north line of 87773
the B. & O. Railroad right of way, which has a delta of $11^{\circ} 11'$ 87774
 $13''$; a radius of 5680.00 feet; a chord bearing of N. $73^{\circ} 06' 25''$ 87775
W. a chord length of 1107.25 feet. A distance of 1109.01 feet to 87776
the place of beginning and containing 41.765 acres of land, of 87777

which 39.465 acres are in Lot 19, and 2.300 acres are in Lot 36, 87778
as surveyed by LeRoy M. Satrom, Registered Surveyor No. 4226. 87779

PARCEL C: Situated in Lot 19 of Franklin Township, county and 87780
state aforesaid, and further described as follows: BEGINNING at 87781
the southwest corner of Lot 19 in said township; thence N. 1° 00' 87782
00" E. along the west line of said Lot 19 and the centerline of T. 87783
H. 98, known as Powder Mill Road, a distance of 1388.97 feet to a 87784
point on the south line of the B. & O. Railroad right of way; 87785
thence on a curve to the left along the south line of the B. & O. 87786
railroad right of way, which has a delta of 15° 47' 26", a radius 87787
of 2915.00 feet; a chord bearing of S. 68° 44' 13" E., and a chord 87788
length of 800.83 feet a distance of 803.37 feet to a point; thence 87789
S. 13° 22' 04" W. a distance of 25.00 feet to a point; thence on a 87790
curve to the left along the south line of the B. & O. Railroad 87791
right of way, which has a delta of 14° 19' 34", a radius of 87792
2940.00 feet, a chord bearing of S. 83° 47' 43" E., and a chord 87793
length of 733.20 feet a distance of 735.11 feet to a point; thence 87794
N. 89° 02' 30" E. along the south line of the B. & O. Railroad 87795
right of way a distance of 866.78 feet to a point; thence N. 0° 87796
57' 30" W. a distance of 25.00 feet to a point/ thence N. 89° 02' 87797
30" E. along the south line of the B. & O. Railroad right of way a 87798
distance of 280.79 feet to a point on the east line of Lot 19; 87799
thence S. 0° 41' 27" W. along the east line of Lot 19 a distance 87800
of 681.57 feet to an iron pipe on the north line of the Old P. & 87801
W. Railroad right of way; thence on a curve to the left along the 87802
north and west line of the old P. & W. Railroad right of way which 87803
has a delta of 39° 05' 19", a radius of 608.00 feet; a chord 87804
bearing of S. 36° 36' 39" W. and a chord length of 406.79 feet to 87805
a point; thence S. 17° 04' 00" W. along the west line of the old 87806
P. & W. railroad right of way a distance of 58.47 feet to a point 87807
on the south line of Lot 19; thence N. 88° 58' 46" W. along the 87808
south line of Lot 19 a distance of 2405.01 feet to the place of 87809
beginning and containing 64.868 acres of land, as surveyed by 87810

LeRoy M. Satrom, Registered Surveyor No. 4226. 87811

PARCEL D: Situated in Lot 19 of Franklin Township, county and 87812
state aforesaid, and further described as follows: BEGINNING at 87813
the southwest corner of Lot 19 in said township; thence S. 88° 58' 87814
46" E. along the south line of said Lot 19 a distance of 2473.68 87815
feet to a point on the east line of the old P. & W. railroad right 87816
of way and the true place of beginning; thence N. 17° 04' 00" E. 87817
along the east line of the old P. & W. railroad right of way a 87818
distance of 39.49 feet to a point; thence on a curve to the right 87819
along the east and south line of the old P. & W. Railroad right of 87820
way which has a delta of 34° 08' 00"; a radius of 542.00 feet; a 87821
chord bearing of N. 34° 07' 54" E. and a chord length of 318.14 87822
feet to a point on the east line of Lot 19; thence S. 0° 41' 27" 87823
W. along the east line of Lot 19 a distance of 304.39 feet to the 87824
southeast corner of Lot 19; thence N. 88° 58' 46" W. along the 87825
south line of Lot 19 a distance of 186.46 feet to the place of 87826
beginning and containing 0.810 acres of land as surveyed by LeRoy 87827
M. Satrom, Registered Surveyor No. 4226. 87828

PARCEL E: Situated in Lots 57 and 58, South Division of 87829
Ravenna Township, county and state aforesaid, and further 87830
described as follows: BEGINNNING at the southwest corner or Lot 87831
57, South Division in said township; thence N. 0° 41' 27" E. along 87832
the west line of said Lot 57 a distance of 533.13 feet to a point 87833
on the south line of the B. & O Railroad right of way; thence N. 87834
89° 02' 30" E. along the south line of the B. & O. Railroad right 87835
of way a distance of 1260.95 feet to an iron pipe; thence S. 2° 87836
57' 40" W. a distance of 483.35 feet to an iron pipe on the north 87837
line of the old P. & W. Railroad right of way; thence S. 82° 56' 87838
00" W. along the north line of the old P. & W. Railroad right of 87839
way a distance of 987.97 feet to a point; thence on a curve to the 87840
left along the north line of the old P. & W. Railroad right of 87841
way, which has a delta of 26° 46' 06"; a radius of 608.00 feet; a 87842

chord bearing of S. 69° 32' 57" W. and a chord length of 281.48 87843
feet a distance of 284.05 feet to an iron pipe on the west line of 87844
Lot 58 South Division; thence N. 0° 41' 27" E. along the west line 87845
of Lot 58 a distance of 148.44 feet to the place of beginning, and 87846
containing 15.882 acres of land of which 15.155 acres are in Lot 87847
57 and 0.727 acres are in Lot 58, as surveyed by LeRoy M. Satrom, 87848
Registered Surveyor No. 4226. 87849

Deed Reference: Vol. 787 Pg. 462 87850

Auditor's Parcel Numbers: 12-020-00-00-033-000, 87851
12-019-00-00-002-000, 12-019-00-00-002-001, 12-019-00-00-005-000, 87852
12-019-00-00-006-000, 29-357-00-00-025-000, 29-358-00-00-005-000 87853

(B) The foregoing description may be adjusted by the 87854
Department of Administrative Services to accommodate any 87855
corrections necessary to facilitate recordation of the deed. 87856

(C) Consideration for the conveyance is to be acceptable to 87857
the Board of Trustees of Kent State University. The net proceeds 87858
of any sale of real estate described above shall be paid to Kent 87859
State University and deposited in university accounts for purposes 87860
to be determined by the Board of Trustees. 87861

(D) The Auditor of State, with the assistance of the Attorney 87862
General, shall prepare the deed to real estate upon notification 87863
by the University. The deed shall state the consideration and 87864
shall be executed by the Governor in the name of the state, 87865
countersigned by the Secretary of State, sealed with the Great 87866
Seal of the State, presented in the Office of the Auditor of State 87867
for recording, and delivered to the grantee. The grantee shall 87868
present the deed for recording in the Office of the Portage County 87869
Recorder. 87870

(E) The grantee shall pay the costs of the conveyance 87871
including county recording fees. 87872

(F) This section expires three years after its effective 87873

date. 87874

Section 753.20. (A) The Governor is authorized to execute a deed or deeds in the name of the state conveying to a grantee or grantees acceptable to the Board of Trustees of Kent State University, all of the state's right, title, and interest in all or part of the following described parcels of real estate:

DESCRIPTION OF 8.477 ACRES 87880

PARCEL 1: Situated in the Township of Franklin, County of Portage and State of Ohio being part of Lot 2 and further described as follows: 87881
87882
87883

Beginning at the centerline intersection of Cline Road (T.H. 96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" iron bar found in a monument box used for line 0.048 feet north and 0.008 feet east of said intersection); 87884
87885
87886
87887

Thence S 9° 15' 31" W 375.00 along the centerline of Cline Road to the southeasterly corner of a parcel of land conveyed to R.E. or L.F. Slease (D.V. 1085, Pg. 685) and a northeasterly corner of the Grantor's and the true place of beginning for the parcel herein described (witness a capped iron bar set N 81° 16' 45" W 30.17 feet from said corner); 87888
87889
87890
87891
87892
87893

Thence S 9° 15' 31" W 363.98 feet along the centerline of Cline Road to a railroad spike found at a southeasterly corner of the Grantor's and a northeasterly corner of a parcel of land conveyed to University Land Development Co. (O.R. 365, Pg. 0250); 87894
87895
87896
87897

Thence N 89° 16' 02" W 354.65 feet along a northerly line of the University Land Development Co. Parcel and a southerly line of the Grantor to a capped iron bar set at a southwesterly corner (witness a capped iron pipe found used for line 3.859 feet south and 0.631 feet west of said corner); 87898
87899
87900
87901
87902

Thence N 9° 16' 46" E 647.34 feet along an easterly line of 87903

said University Land Development parcel and a westerly line of the Grantor's to a point on the southerly line of a parcel conveyed to the State of Ohio (D.V. 839, Pg. 508) and the northeasterly corner of said University Land Development Co. and a northwesterly corner of the Grantor's (witness a 1/2" open top iron pipe found and used for line 0.052 feet north and 0.008' east of said corner);

Thence N 72° 14' 21" E. 153.91 feet along the southerly line of said State of Ohio parcel and a northerly line of the Grantor's to a 1/2" open top iron pipe found on the westerly line of said Slease parcel;

Thence S 1° 59' 34" W 304.75 feet along the westerly line of said Slease parcel and an easterly line of the Grantor's to a 1/2" open top iron pipe found at the southwesterly corner of said Slease parcel and northeasterly corner of the Grantor's;

Thence S 81° 16' 45" E. 174.84 feet along the southerly line of said Slease parcel and a northerly line of the Grantor's to the true place of beginning and containing 4.1073 acres of land as surveyed in May, 2000 by David L. Jensen, Registered Surveyor No. 7273.

The basis for bearings is the Ohio State Plane Coordinate System, North Zone.

PARCEL 2: Situated in the Township of Franklin, County of Portage and State of Ohio being part of Lot 2 and further described as follows:

Beginning at the centerline intersection of Cline Road (T.H. 96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" iron bar found in a monument box used for line 0.048 feet north and 0.008 feet east of said intersection);

Thence N 86° 54' 42" W 289.05 along the centerline of Summit Road to a 1" iron bar found in a monument box;

Thence N 76° 56' 07" W 230.00 feet along the centerline of 87934
Summit Road to a northwesterly corner of a parcel of land conveyed 87935
to the State of Ohio (D.V. 839, Pg. 508 and a northeasterly corner 87936
of the Grantor's and the true place of beginning for the parcel 87937
herein described; 87938

Thence S 13° 03' 53" W 33.00 feet along a westerly line of 87939
the State of Ohio parcel and an easterly line of the Grantor to a 87940
point on the southerly right of way line of Summit Road (witness 87941
an O.D.O.T. capped iron bar found 0.405 feet south and 0.197 feet 87942
west of said point); 87943

Thence 74° 41' 57" W 303.87 feet along a northwesterly line 87944
of said State of Ohio parcel and a southeasterly line of the 87945
grantor's to a capped iron bar set at a northeasterly corner of 87946
said State of Ohio parcel and a southwesterly corner of the 87947
Grantor's (witness and O.D.O.T. capped iron bar found 3.104 feet 87948
north and 0.362 feet east of said point; 87949

Thence N 17° 52' 58" W 168.33 feet along an easterly line of 87950
said State of Ohio Parcel and a westerly line of the Grantor's to 87951
a point on the southerly right of way line of Summit Road (witness 87952
an O.D.O.T. capped iron bar found 0.025 feet south and 0.956 feet 87953
west of said point; 87954

Thence N 13° 03' 53" E 33.00 feet along an easterly line of 87955
said State of Ohio parcel and a westerly line of Grantor's to a 87956
point on the centerline of Summit Road said point being a 87957
northeasterly corner of the State of Ohio parcel and a 87958
northwesterly corner of the Grantor's; 87959

Thence S 76° 56' 07" E 353.95 feet along the centerline of 87960
Summit Road and a northerly line of the Grantor's to the true 87961
place of beginning and containing 0.8547 acres of land as surveyed 87962
in May, 2000 by David L. Jensen, Registered Surveyor No. 7273. 87963

The basis for bearings is the Ohio State Plane Coordinate 87964

System, North Zone. 87965

PARCEL 3: Situated in the Township of Franklin, County of 87966
Portage and State of Ohio being part of Lot 2 and further 87967
described as follows: 87968

Beginning at the centerline intersection of Cline Road (T.H. 87969
96 - 60' R/W) with Summit Road (C.H. 148 - 66' R/W) (witness a 1" 87970
iron bar found in a monument box used for line 0.048 feet north 87971
and 0.008 feet east of said intersection); 87972

Thence N 86° 54' 42" W 289.05 along the centerline of Summit 87973
Road to a 1" iron bar found in a monument box; 87974

Thence N 76° 56' 07" W 747.83 feet along the centerline of 87975
Summit Road to a boat spike found at the northwesterly corner of a 87976
parcel of land conveyed to the State of Ohio (D.V. 839, Pg. 508 87977
and a northeasterly corner of a parcel of land conveyed to C.W. 87978
and D.D. Redman (O.R. 143, Pg. 460); 87979

Thence N 79° 11' 04" W 135.04 feet along the centerline of 87980
Summit Road to the northwesterly corner of said Redman parcel and 87981
a northeasterly corner of the Grantor's and the true place of 87982
beginning for the parcel herein described (witness a 1/2" open top 87983
iron pipe found bent, straightened and reset S 5° 22' 12" W 30.23 87984
feet from said corner); 87985

Thence S 5° 22' 12" W 166.54 feet along an easterly line of 87986
the Grantor's and the westerly line of the Redman parcel to a 1/2" 87987
open top iron pipe found at the southwesterly corner thereof; 87988

Thence S 84° 55' 02" E 125.10 feet along a northerly line of 87989
the Grantor's and the southerly of the Redman parcel to a 1/2" 87990
open top iron pipe found bent (used the top) at the southeasterly 87991
corner thereof and a northeasterly corner of the Grantor's and 87992
being an angle point on the westerly line of said State of Ohio 87993
parcel; 87994

Thence S 20° 40' 02" E 199.62 feet along a westerly line of 87995
said State of Ohio parcel and an easterly line of the Grantor's to 87996
a capped iron bar set at a southeasterly corner of the Grantor' 87997
and a northwesterly corner of said State of Ohio parcel (witness 87998
an O.D.O.T. capped iron bar found 1.335 feet north and 2.476 feet 87999
east of said corner; 88000

Thence S 53° 28' 55" W 300.00 feet along a northwesterly line 88001
of said State of Ohio parcel and a southeasterly line of the 88002
Grantor's to a southwesterly corner thereof and a northwesterly 88003
corner of the State of Ohio parcel and a northeasterly corner of a 88004
parcel of land conveyed to the State of Ohio (D.V. 870, Pg. 15) 88005
and the southeasterly of a parcel of land conveyed to Portage Area 88006
Regional Transportation Authority (PARTA) (O.R. 327. Pg. 0097) 88007
(witness an O.D.O.T. capped iron bar found 0.016 feet north and 88008
0.048 feet east of said corner); 88009

Thence N 35° 03' 36" W 402.33 feet along the easterly line of 88010
said PARTA parcel and a westerly line of the Grantor's to a capped 88011
iron bar set; 88012

Thence N 10° 23' 28" E 216.15 feet along a westerly line of 88013
the Grantor's and the easterly line of said PARTA parcel to 1/2" 88014
open top iron pipe found at the northeasterly corner thereof and 88015
being on the southerly right of way line of Summit Road; 88016

Thence 84° 53' 23" E 149.54 feet along the southerly right of 88017
way line of Summit Road to a capped iron bar set; 88018

Thence 9° 08' 08" E 33.01 feet along a westerly line of the 88019
Grantor's to a point on the centerline of Summit Road; 88020

Thence S 79° 11' 04" E 101.36 feet along the centerline of 88021
Summit Road and a northerly line of the Grantor's to the true 88022
place of beginning and containing 3.5153 acres of land as surveyed 88023
in May, 2000 by David L. Jensen, Registered Surveyor No. 7273. 88024

The basis for bearings is the Ohio State Plane Coordinate 88025

System, North Zone.	88026
Deed Reference: Vol. 564 Pg. 696	88027
Auditor's Parcel Numbers: 12-002-00-00-004-001,	88028
12-002-00-00-004-003, 12-002-00-00-004-004	88029
(B) The foregoing description may be adjusted by the	88030
Department of Administrative Services to accommodate any	88031
corrections necessary to facilitate recordation of the deed.	88032
(C) Consideration for the conveyance is to be acceptable to	88033
the Board of Trustees of Kent State University. The net proceeds	88034
of any sale of real estate described above shall be paid to Kent	88035
State University and deposited in university accounts for purposes	88036
to be determined by the Board of Trustees.	88037
(D) The Auditor of State, with the assistance of the Attorney	88038
General, shall prepare the deed to real estate upon notification	88039
by the University. The deed shall state the consideration and	88040
shall be executed by the Governor in the name of the state,	88041
countersigned by the Secretary of State, sealed with the Great	88042
Seal of the State, presented in the Office of the Auditor of State	88043
for recording, and delivered to the grantee. The grantee shall	88044
present the deed for recording in the Office of the Portage County	88045
Recorder.	88046
(E) The grantee shall pay the costs of the conveyance	88047
including county recording fees.	88048
(F) This section expires three years after its effective	88049
date.	88050
Section 753.30. (A) The Governor is authorized to execute a	88051
deed or deeds in the name of the state conveying to a grantee or	88052
grantees acceptable to the Board of Trustees of Kent State	88053
University, all of the state's right, title, and interest in all	88054
or part of the following described parcels of real estate:	88055

DESCRIPTION OF 31.103 ACRES	88056
Situated in the city of Kent, county of Portage, state of Ohio and being known as:	88057 88058
All of blocks A, B, C, D and E of the university town homes subdivision, filed in the records of plats, book 89, page 30 of the portage county records.	88059 88060 88061
Deed Reference: Vol. 564 Pg. 696	88062
Auditor's Parcel Numbers: 17-003-10-00-062-000, 17-003-10-00-063-000, 17-003-10-00-064-000, 17-003-10-00-065-000 and 17-003-10-00-066-000	88063 88064 88065
DESCRIPTION OF 2.44 ACRES	88066
Situated in the Township of Brimfield County of Portage and State of Ohio:	88067 88068
And being part of Lot 7 in said Township and bounded and described as follows; Beginning at the intersection of the centerline of T.H. 95, Burnett Road and the northerly line of Lot 7 and northerly line of Brimfield Township; thence N. 89° 33' 00" W. along the northerly line of Lot 7 and northerly line of Brimfield Township a distance of 113.24 feet to a point in a northerly line of land now owned by the State of Ohio which marks the true place of beginning for the following described parcel of land; thence S. 78° 55' 45" W. along said northerly line of the State of Ohio a distance of 590.56 feet to a point; thence S 89° 47' 00" W. continuing along a northerly line of the State of Ohio, a distance of 594.25 feet to a point in the easterly line of land now or formerly owned by C.M. & Lois Stewart; thence N. 00° 06' 00" W. along the easterly line of said Stewart a distance of 124.87 feet to point in the northerly line of Lot 7 and northerly line of Brimfield Township; thence S. 89° 33' 00" E. along the northerly line of Lot 7 and northerly line of Brimfield Township a distance of 1174.07 feet to the true place of beginning,	88069 88070 88071 88072 88073 88074 88075 88076 88077 88078 88079 88080 88081 88082 88083 88084 88085 88086

containing 2.441 acres of land, more or less, as prepared May 1 88087
1972, from deeds and plats of record by Albert Szuch, Registered 88088
Surveyor No. 5398. 88089

Deed Reference: 200908514 88090

Auditor's Parcel Number: 04-007-00-00-008-000 88091

(B) The foregoing description may be adjusted by the 88092
Department of Administrative Services to accommodate any 88093
corrections necessary to facilitate recordation of the deed. 88094

(C) Consideration for the conveyance is to be acceptable to 88095
the Board of Trustees of Kent State University. The net proceeds 88096
of any sale of real estate described above shall be paid to Kent 88097
State University and deposited in university accounts for purposes 88098
to be determined by the Board of Trustees. 88099

(D) The Auditor of State, with the assistance of the Attorney 88100
General, shall prepare the deed to real estate upon notification 88101
by the University. The deed shall state the consideration and 88102
shall be executed by the Governor in the name of the state, 88103
countersigned by the Secretary of State, sealed with the Great 88104
Seal of the State, presented in the Office of the Auditor of State 88105
for recording, and delivered to the grantee. The grantee shall 88106
present the deed for recording in the Office of the Portage County 88107
Recorder. 88108

(E) The grantee shall pay the costs of the conveyance 88109
including county recording fees. 88110

(F) This section expires three years after its effective 88111
date. 88112

Section 753.40. (A) The Governor is authorized to execute a 88113
deed or deeds in the name of the state conveying to a grantee or 88114
grantees acceptable to the Board of Trustees of Kent State 88115
University, all of the state's right, title, and interest in all 88116

or part of the following described parcels of real estate: 88117

DESCRIPTION OF 36.76 ACRES 88118

PARCEL 1: Situated in Brimfield Township Lot 5 and further 88119
described as follows: Beginning at the intersection of the 88120
centerline of Township Highway 92 known as Meloy Road and the east 88121
line of Lot 5; thence South 74 deg. 36' West along the centerline 88122
of T. H. 92 a distance of 421.47 feet to a point which is the true 88123
place of beginning; thence continuing South 74 deg. 36' West along 88124
the centerline of T. H. 92 a distance of 336.87 feet to a point; 88125
thence North 1 deg. 18' East a distance of 270.10 feet to a point; 88126
thence South 74 deg. 36' West a distance of 322.55 feet to a 88127
point; thence North 1 deg. 18' East a distance 141.74 feet to a 88128
point; thence South 80 deg. 40' 08" West a distance of 294.45 feet 88129
to an iron pipe found; thence North 6 deg. 32' 12" West a distance 88130
of 1243.23 feet to an iron pipe found on the north line of Lot 5; 88131
thence South 88 deg. 48' 31" East along the north line of Lot 5 a 88132
distance of 1090.43 feet to an iron pipe found; thence South 1 88133
deg. 17' 46" West and passing over an iron pipe found 22.03 feet 88134
from the center of the road a distance of 1401.68 feet to the 88135
place of beginning and containing 30.175 acres of land as 88136
determined from actual field measurements and reference to survey 88137
by M. F. Stevens as recorded in Volume 717, page 558 of the 88138
Portage County Records by L. M. Satrom, Registered Surveyor No. 88139
4226, be the same more or less, but subject to all legal highways. 88140

Deed Reference: Vol. 750 Pg. 249 88141

Auditor's Parcel Number: 45-005-00-00-010-000 88142

DESCRIPTION OF 8.04 ACRES 88143

PARCEL 1: Situated in the Township of Brimfield, County of 88144
Portage and State of Ohio and known as being part of Lot No. 5 in 88145
Brimfield Township and further described as follows: Beginning at 88146
a point in the centerline of Meloy Road and being N. 78° 46' E. 88147

425.00 feet from a spike at the intersection of said centerline 88148
with the centerline of State Route 43; thence N. 11° 14' W. 386.18 88149
feet along the East line of a parcel owned by R. & C. DiMauro, to 88150
an iron pipe and passing over an iron pipe 30.00 feet from the 88151
road center; thence N. 70° 57' E. 599.54 feet along the grantor's 88152
North line to an iron bar; thence N. 79° 21' 35" E. 299.38 feet 88153
along the grantor's North line to an iron pipe; thence S. 8° 46' 88154
40" W. 406.31 feet to an iron pipe; thence S. 30° 22' 20" W. 41.30 88155
feet to an iron pipe; thence S. 15° 24' 40" E. 30.00 feet to the 88156
centerline of Meloy Road; thence S. 74° 35' 20" W. 56.61 feet 88157
along the centerline of Meloy Road; thence N. 15° 24' 40" W. 88158
180.00 feet to an iron pipe and passing over an iron pipe 30 feet 88159
from the road center; thence S. 74° 35' 20" W. 128.39 feet to an 88160
iron pipe; thence S. 0° 35' 20" W 187.25 feet to the centerline of 88161
Meloy Road and passing over an iron pipe 31.21 feet from the road 88162
center; thence S. 74° 35' 20" W. 65.00 feet along the centerline 88163
of Meloy Road to a spike; thence S. 78° 46' W. 428.27 feet along 88164
the centerline of Meloy Road to the beginning. Containing 7.397 88165
acres of land, as surveyed in January, 1970, by David J. Collier, 88166
Registered Surveyor No. 4819. 88167

PARCEL 2: Situated in the Township of Brimfield, County of 88168
Portage and State of Ohio and known as being part of Lot No. 5 in 88169
Brimfield Township and further described as follows: Starting at a 88170
spike at the intersection of the centerline of State Route 43 with 88171
the centerline of Meloy Road; thence N. 78° 46' E. 853.27 feet 88172
along the centerline of Meloy Road to a spike; thence N. 74° 35' 88173
20" E. 65.00 feet along the centerline of Meloy Road to the true 88174
place of beginning; thence N. 0° 35' 20" E. 187.25 feet to an iron 88175
pipe and passing over an iron pipe 31.21 feet from the road 88176
center; thence N. 74° 35' 20" E. 128.39 feet to an iron pipe; 88177
thence S. 15° 24' 40" E. 180.00 feet to the centerline of Meloy 88178
Road and passing over an iron pipe 30 feet from the road center; 88179
thence S. 74° 35' 20" W. 180.00 feet along the centerline of Meloy 88180

Road to the true place of beginning, containing 0.637 of an acre 88181
of land, as surveyed in January, 1970, by David J. Collier, 88182
Registered Surveyor No. 4819. 88183

Deed Reference: 200125592 88184

Auditor's Parcel Numbers: 45-005-00-00-015-000; 88185
45-005-00-00-016-000 88186

(B) The foregoing description may be adjusted by the 88187
Department of Administrative Services to accommodate any 88188
corrections necessary to facilitate recordation of the deed. 88189

(C) Consideration for the conveyance is to be acceptable to 88190
the Board of Trustees of Kent State University. The net proceeds 88191
of any sale of real estate described above shall be paid to Kent 88192
State University and deposited in university accounts for purposes 88193
to be determined by the Board of Trustees. 88194

(D) The Auditor of State, with the assistance of the Attorney 88195
General, shall prepare the deed to real estate upon notification 88196
by the University. The deed shall state the consideration and 88197
shall be executed by the Governor in the name of the state, 88198
countersigned by the Secretary of State, sealed with the Great 88199
Seal of the State, presented in the Office of the Auditor of State 88200
for recording, and delivered to the grantee. The grantee shall 88201
present the deed for recording in the Office of the Portage County 88202
Recorder. 88203

(E) The grantee shall pay the costs of the conveyance 88204
including county recording fees. 88205

(F) This section expires three years after its effective 88206
date. 88207

Section 753.50. (A) The Governor is authorized to execute a 88208
deed or deeds in the name of the state conveying to a grantee or 88209
grantees acceptable to the Board of Trustees of Kent State 88210

University, all of the state's right, title, and interest in all 88211
or part of the following described parcels of real estate: 88212

DESCRIPTION OF 42.95 ACRES. 88213

Situated in the Township of Brimfield, County of Portage, 88214
State of Ohio, being part of Lot 14 in said Township and bounded 88215
and described as follows: 88216

Beginning at a point at the intersection of the centerlines 88217
of T.H. 91 Sherman Road and relocated State Route 43; 88218

Thence along the centerline of relocated State Route 43, 88219
deflecting to the left along the arc of a circular curve having a 88220
delta of 04deg 41' 30", a radius of 5370.08 feet, a chord of 88221
439.61 feet and a chord bearing of N01 deg 44' 29" W, a distance 88222
of 439.73 feet to a 1' "ODOT" iron pin in a monument box found at 88223
a point of compound curve in said centerline; 88224

Thence continuing along the centerline of relocated State 88225
Route 43, deflecting to the left along the arc of a circular curve 88226
having a delta of 03deg 07' 03", a radius of 1041.74 feet, a chord 88227
of 56.67 feet and a chord bearing of N05 deg 38' 40" W, a distance 88228
of 56.68 feet to a point; 88229

Thence N89deg 35' 17"E a distance of 45.31 feet to a 5/8" 88230
iron rod set in the east R/W line of relocated State Route 43, at 88231
the northwest corner of land now or formerly owned by C. & P. 88232
Battaglia (Vol.1049 Pg.23), which marks the true place of 88233
beginning for the following described parcel of land; 88234

Thence along the east R/W line of relocated State Route 43 88235
deflecting to the left along the arc of a circular curve having a 88236
delta of 06deg 41' 18", a radius of 1086.74 feet, a chord of 88237
126.79 feet and a chord bearing of N10deg 16' 04"W, a distance of 88238
126.86 feet to a 5/8" iron rod set; 88239

Thence continuing along the east R/W line of relocated State 88240

Route 43 N04deg 04' 51"W a distance of 72.87 feet to a 5/8" iron rod set; 88241
88242

Thence continuing along the east R/W line of relocated State Route 43 N30deg 37' 58"W a distance of 55.40 feet to a 5/8" iron rod set in the north line of Lot 14; 88243
88244
88245

Thence N89deg 46' 54"E along the north line of Lot 14 a distance of 730.33 feet to a 3" iron pipe found at the northwest corner of land now or formerly owned by M.E. Davis (O.R.75 Pg.416); 88246
88247
88248
88249

Thence S00deg 21' 59"E along the west line of said Davis a distance of 243.04 feet to a point at the northeast corner of the aforementioned Battaglia; 88250
88251
88252

Thence S89deg 35' 17"W along the north line of said Battaglia (passing over a 5/8" iron rod set at 20.00 feet) a distance of 675.88 feet to the true place of beginning, containing 3.9011 acres of land, more or less, as surveyed and described September 10, 2007 by Rob A. Szuch Registered Professional Surveyor No. 7288 88253
88254
88255
88256
88257

Deed Reference: 200721120 88258

Auditor's Parcel Numbers: 04-014-00-00-019-000 and 04-014-00-00-019-001 88259
88260

DESCRIPTION OF 39.05 ACRES. 88261

PARCEL I: Situated in the Township of Brimfield, County of Portage and State of Ohio: And being a parcel of land in Township Lot No. 14, and bounded and described as follows: Beginning at a tile in the Northeast corner of Township Lot No. 14, which is the Northeast corner of the grantor's property; thence along the East line of Lot No. 14, and the grantor's East property line, South 00° 15' 04" East, 768.03 feet to a marked stone at the grantor's Southeast corner; thence along the grantor's South property line North 89° 59' 29" West, 636.99 feet to an iron pipe; thence 88262
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through the grantor's property North 00° 31" East, 769.36 feet to 88271
an iron pipe on the North line of Lot No. 14, and the grantor's 88272
North line; thence South 89° 52' 15" East, 633.51' to the place of 88273
beginning and containing 11.21 acres of land. Surveyed by Marvin 88274
F. Stevens, Reg. Surveyor No. 260. And also that portion of 88275
vacated T. H. 91-B, Resolution No. 4416 dated 8/26/55 in Volume 88276
10, Page 50. 88277

PARCEL II: Situated in the Township of Brimfield, County of 88278
Portage and State of Ohio, and being a parcel of land in Township 88279
Lot No. 5, and bounded and described as follows: Beginning at a 88280
tile at the Southeast corner of Lot No. 5; thence along the South 88281
line of Lot No. 5, North 89° 52' 17" West, 1723.10' to the center 88282
of S.R.#43; thence along the center of S.R.#43, North 30° 12' 88283
West, 368.26 feet; thence South 89° 52' East, 485.97 feet to an 88284
iron pipe; thence North 3° 33' West. 454.06 feet to an iron pipe; 88285
thence South 89° 52' 17" East, 1447.31 feet to an iron pipe; 88286
thence South 0° 14' 39" East, along the East line of Lot No. 5, 88287
771.03 feet to the place of beginning, containing 28.163 acres of 88288
land. Surveyed by Marvin F. Stevens, Reg. Surveyor No. 260. 88289

Deed Reference: 2001123211 88290

Auditor's Parcel Numbers: 04-005-00-00-35-001 and 88291
04-014-00-00-028-000 88292

(B) The foregoing description may be adjusted by the 88293
Department of Administrative Services to accommodate any 88294
corrections necessary to facilitate recordation of the deed. 88295

(C) Consideration for the conveyance is to be acceptable to 88296
the Board of Trustees of Kent State University. The net proceeds 88297
of any sale of real estate described above shall be paid to Kent 88298
State University and deposited in university accounts for purposes 88299
to be determined by the Board of Trustees. 88300

(D) The Auditor of State, with the assistance of the Attorney 88301

General, shall prepare the deed to real estate upon notification 88302
by the University. The deed shall state the consideration and 88303
shall be executed by the Governor in the name of the state, 88304
countersigned by the Secretary of State, sealed with the Great 88305
Seal of the State, presented in the Office of the Auditor of State 88306
for recording, and delivered to the grantee. The grantee shall 88307
present the deed for recording in the Office of the Portage County 88308
Recorder. 88309

(E) The grantee shall pay the costs of the conveyance 88310
including county recording fees. 88311

(F) This section expires three years after its effective 88312
date. 88313

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 88314

There is hereby established in the Highway Operating Fund 88315
(Fund 7002), used by the Department of Transportation, a Diesel 88316
Emissions Reduction Grant Program. The Director of Environmental 88317
Protection shall administer the program and shall solicit, 88318
evaluate, score, and select projects submitted by public and 88319
private entities that are eligible for the federal Congestion 88320
Mitigation and Air Quality (CMAQ) Program. The Director of 88321
Transportation shall process Federal Highway 88322
Administration-approved projects as recommended by the Director of 88323
Environmental Protection. 88324

In addition to the allowable expenditures set forth in 88325
section 122.861 of the Revised Code, Diesel Emissions Reduction 88326
Grant Program funds also may be used to fund projects involving 88327
the purchase or use of hybrid and alternative fuel vehicles that 88328
are allowed under guidance developed by the Federal Highway 88329
Administration for the CMAQ Program. 88330

Public entities eligible to receive funds under section 88331

122.861 of the Revised Code and CMAQ shall be reimbursed from 88332
moneys in Fund 7002 designated for the Department of 88333
Transportation's Diesel Emissions Reduction Grant Program. 88334

Private entities eligible to receive funds under section 88335
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 88336
direction of the local public agency sponsor and upon approval of 88337
the Department of Transportation, through direct payments. These 88338
reimbursements shall be made from moneys in Fund 7002 designated 88339
for the Department of Transportation's Diesel Emissions Reduction 88340
Grant Program. Total expenditures from Fund 7002 for the Diesel 88341
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 88342
both fiscal year 2020 and fiscal year 2021. 88343

Any allocations under this section represent CMAQ program 88344
moneys within the Department of Transportation for use by the 88345
Diesel Emissions Reduction Grant Program by the Environmental 88346
Protection Agency. These allocations shall not reduce the amount 88347
of such moneys designated for metropolitan planning organizations. 88348

The Director of Environmental Protection, in consultation 88349
with the Director of Transportation, shall develop guidance for 88350
the distribution of funds and for the administration of the Diesel 88351
Emissions Reduction Grant Program. The guidance shall include a 88352
method of prioritization for projects, acceptable technologies, 88353
and procedures for awarding grants. 88354

Section 757.10. The amendment or enactment by this act of 88355
sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies 88356
to taxable years beginning on or after January 1, 2020. 88357

Section 757.30. BUSINESS INCENTIVE TAX CREDITS 88358

In order to facilitate an understanding of business incentive 88359
tax credits, as defined in section 107.036 of the Revised Code, 88360
the following table provides an estimate of the amount of credits 88361

that may be authorized in each fiscal year of the 2020-2021 88362
 biennium, an estimate of the credits expected to be claimed in 88363
 each fiscal year of that biennium, and an estimate of the amount 88364
 of credits authorized that will remain outstanding at the end of 88365
 that biennium. In totality, this table provides an estimate of the 88366
 state revenue forgone due to business incentive tax credits in the 88367
 2020-2021 biennium and future biennia. 88368

Biennial Business Incentive Tax Credit Estimates 88369

Estimate of total value Estimate of tax Expected 88371
 of tax credits credits issued/claimed Outstanding
 authorized credits

(All figures in 88372
 thousands of dollars)

Tax FY 2020 FY 2021 FY 2020 FY 2021 End of 88373
 Credit Biennium 88374

Job \$105,000 \$105,000 \$109,000 \$105,000 \$700,000 88375
 Creation 88376

Tax 88377
 Credit*

Job \$ 0 \$ 0 \$44,818 \$42,985 \$153,161 88378
 Retention

Tax 88379
 Credit

Historic \$60,000 \$60,000 \$65,000 \$70,000 \$175,000 88380
 Preservation

Tax 88381
 Credit

Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	88382
Picture						
Tax						
Credit						88383
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	88384
Markets						
Tax						
Credit						88385
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	88386
Tax						
Credit						88387
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	88388
Tax						
Credit						88389
Ohio	\$0	\$0	\$0	\$0	\$45,000	88390
Rural						
Business						88391
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	88392
Total						
*The Job Creation Tax Credit (JCTC) estimate of credits						88393
outstanding is not just for tax credit certificates already						88394
issued, but also for the estimated potential value of certificates						88395
to be issued under the program through 2035 when looking at the						88396
existing portfolio of approved and active incentives. The estimate						88397
assumes that the companies receiving credits will continue to meet						88398
the performance objectives required to continue receiving the						88399
credit.						88400

Section 757.40. (A) As used in this section: 88401

(1) "Certificate owner" and "qualified rehabilitation 88402
expenditures" have the same meanings as in section 149.311 of the 88403
Revised Code. 88404

(2) "Taxpayer," "tax period," "excluded person," "combined 88405
taxpayer," and "consolidated elected taxpayer," have the same 88406
meanings as in section 5751.01 of the Revised Code. 88407

(3) "Pass-through entity" has the same meaning as in section 88408
5733.04 of the Revised Code. 88409

(B) A taxpayer that is the certificate owner of a 88410
rehabilitation tax credit certificate issued under section 149.311 88411
of the Revised Code may claim a credit against the tax levied by 88412
section 5751.02 of the Revised Code for tax periods ending on or 88413
before June 30, 2021, provided that the taxpayer is unable to 88414
claim the credit under section 5725.151, 5725.34, 5726.52, 88415
5729.17, or 5747.76 of the Revised Code. 88416

The credit shall equal the lesser of twenty-five per cent of 88417
the dollar amount of the qualified rehabilitation expenditures 88418
indicated on the certificate or five million dollars. The credit 88419
shall be claimed for the calendar year specified in the 88420
certificate and after the credits authorized in divisions (A)(1) 88421
to (4) of section 5751.98 of the Revised Code, but before the 88422
credits authorized in divisions (A)(5) to (7) of that section. 88423

If the credit allowed for any calendar year exceeds the tax 88424
otherwise due under section 5751.02 of the Revised Code, after 88425
allowing for any other credits preceding the credit in the order 88426
prescribed by this section, the excess shall be refunded to the 88427
taxpayer. However, if any amount of the credit is refunded, the 88428
sum of the amount refunded and the amount applied to reduce the 88429
tax otherwise due for that year shall not exceed three million 88430

dollars. The taxpayer may carry forward any balance of the credit 88431
in excess of the amount claimed for that year for not more than 88432
five calendar years after the calendar year specified in the 88433
certificate, and shall deduct any amount claimed in any such year 88434
from the amount claimed in an ensuing year. 88435

A person that is an excluded person may file a return under 88436
section 5751.051 of the Revised Code for the purpose of claiming 88437
the credit authorized in this section. 88438

If the certificate owner is a pass-through entity, the credit 88439
may not be allocated among the entity's owners in proportions or 88440
amounts as the owners mutually agree unless either the owners are 88441
part of the same combined or consolidated elected taxpayer as the 88442
pass-through entity or the director of development services issued 88443
the certificate in the name of the pass-through entity's owners in 88444
the agreed-upon proportions or amounts. If the credit is allocated 88445
among those owners, an owner may claim the credit authorized in 88446
this section only if that owner is a corporation or an association 88447
taxed as a corporation for federal income tax purposes and is not 88448
a corporation that has made an election under Subchapter S of 88449
Chapter 1 of Subtitle A of the Internal Revenue Code. 88450

The credit authorized in this section may be claimed only on 88451
the basis of a rehabilitation tax credit certificate with an 88452
effective date after December 31, 2013, but before June 30, 2021. 88453

A person claiming a credit under this section shall retain 88454
the rehabilitation tax credit certificate for four years following 88455
the end of the latest calendar year in which the credit was 88456
applied, and shall make the certificate available for inspection 88457
by the tax commissioner upon request. 88458

Section 757.70. The amendment by this act of section 5747.10 88459
of the Revised Code applies to federal adjustments with a final 88460
determination date of October 1, 2019, or thereafter. 88461

Section 757.80. The amendment or enactment by this act of 88462
portions of section 5743.62 of the Revised Code other than those 88463
pertaining to the taxation of vapor products and of sections 88464
5741.01, 5741.04, 5741.05, 5741.07, 5741.071, 5741.11, 5741.13, 88465
and 5741.17 of the Revised Code applies on and after July 1, 2019. 88466

Section 757.90. The amendment by this act of section 5709.17 88467
of the Revised Code applies to tax year 2019 and every tax year 88468
thereafter. 88469

Section 757.140. The amendment by this act of sections 88470
122.175, 5739.01, 5739.011, 5739.02, 5739.025, 5739.03, and 88471
5739.05 of the Revised Code applies on and after October 1, 2019. 88472

Section 757.150. (A) The amendment by this act of section 88473
323.151 of the Revised Code applies to section 323.152 of the 88474
Revised Code for tax year 2019 and every tax year thereafter and 88475
to section 4503.065 of the Revised Code for tax year 2020 and 88476
every tax year thereafter. 88477

(B) Except as provided in divisions (C) and (D) of this 88478
section, the amendment or repeal by this act of sections 5747.01, 88479
5747.02, 5747.022, 5747.025, 5747.031, 5747.05, 5747.054, 88480
5747.055, 5747.06, 5747.29, 5747.65, and 5748.01 of the Revised 88481
Code applies to taxable years beginning on or after January 1, 88482
2019. 88483

(C) The enactment by this act of division (A)(34) of section 88484
5747.01 of the Revised Code applies to taxable years beginning on 88485
or after January 1, 2020. 88486

(D) The amendment by this act of existing division (HH) of 88487
section 5747.01 and existing division (A)(4) of section 5747.02 of 88488
the Revised Code, and the amendments to division (F) of section 88489
5747.02 of the Revised Code striking the phrases "on income other 88490

than taxable business income", ", less taxable business income 88491
and", and "taxable business income and", apply to taxable years 88492
beginning on or after January 1, 2020. 88493

Section 757.160. The Tax Commissioner shall not make 88494
adjustments in 2019 or 2020 to the income amounts in divisions 88495
(A)(2) and (3) of section 5747.02 of the Revised Code, as 88496
otherwise required by division (A)(4) of that section, as amended 88497
by this act. 88498

Section 757.200. The amendment by this act of section 5727.75 88499
of the Revised Code applies to tax years beginning on or after 88500
January 1, 2019. 88501

Section 757.210. The amendment by this act of section 323.131 88502
of the Revised Code applies on and after January 1, 2021. 88503

Section 757.220. The amendment by this act of section 718.01 88504
of the Revised Code applies to municipal taxable years beginning 88505
on or after January 1, 2020. 88506

Section 757.230. The amendment by this act of section 5747.50 88507
of the Revised Code applies on and after July 1, 2019. 88508

Section 757.240. (A) The repeal by this act of section 88509
5747.081 of the Revised Code applies to taxable years beginning on 88510
or after January 1, 2020. The Tax Commissioner shall provide a 88511
place where taxpayers may designate a payment to the Ohio 88512
political party fund on individual income tax return forms, as 88513
required by that section as it existed before its repeal by this 88514
act, for taxable years beginning before that date. 88515

(B) Notwithstanding the repeal by this act of section 3517.16 88516
of the Revised Code, the Ohio political party fund shall be held 88517

open in the state treasury and continue to receive money from 88518
individuals exercising the checkoff option on a state income tax 88519
return until such time as the Commissioner determines that all or 88520
substantially all of the checkoff contributions for taxable years 88521
beginning before January 1, 2020, have been received by the fund, 88522
or January 1, 2021, whichever is earlier. At such time, the 88523
remaining balance of the fund shall be distributed in accordance 88524
with division (B) of section 3517.16 of the Revised Code, as the 88525
section existed before its repeal by this act. The auditor of 88526
state shall submit the report described in division (B)(1) of 88527
section 3517.16 of the Revised Code, as the section existed before 88528
its repeal by this act, annually until the Ohio political party 88529
fund is dissolved. After the Ohio political party fund is 88530
dissolved, all checkoff contributions the fund would have 88531
otherwise received shall be credited to the General Revenue Fund. 88532

(C) The repeal by this act of section 3517.17 of the Revised 88533
Code applies on and after the day that the Ohio political party 88534
fund is dissolved under division (B) of this section and all 88535
moneys have been distributed by the Commissioner, and by the 88536
treasurers of the state executive committees of the major 88537
political parties in the manner required by that section. 88538

(D) The use of any money received by a political party from 88539
the Ohio political party fund before, or immediately following its 88540
dissolution is subject to the limitations prescribed by section 88541
3517.18 of the Revised Code as that section existed before its 88542
repeal by this act. 88543

(E) The amendment by this act of section 5747.03 of the 88544
Revised Code applies on and after the day the Ohio political party 88545
fund is dissolved under division (B) of this section. 88546

Section 757.250. (A) The amendment of division (B) of section 88547
122.85 of the Revised Code, requiring the Director of Development 88548

Services to rescind certification of any tax credit-eligible 88549
production that does not begin production within ninety days, 88550
applies to motion picture and Broadway theatrical productions that 88551
are certified on or after the effective date of this section. 88552

(B) The amendment by this act of division (C)(5) of section 88553
122.85 of the Revised Code concerning the times during which tax 88554
credits are awarded and requiring the Director to rank 88555
applications based on the economic and workforce development 88556
impact of the productions applies to fiscal years beginning on or 88557
after the effective date of this section. 88558

(C) The Director of Development Services in consultation with 88559
the Tax Commissioner shall adopt rules for the administration of 88560
section 122.85 of the Revised Code, as amended by this act, 88561
pursuant to division (G)(1) of that section on or before the first 88562
day of the first fiscal year that begins on or after the effective 88563
date of this section, or as soon thereafter as otherwise permitted 88564
by law. 88565

(D) Any person to whom the right to claim a credit has been 88566
lawfully transferred pursuant to division (H) of section 122.85 of 88567
the Revised Code before the effective date of that division's 88568
amendment by this act is a certificate owner for the purpose of 88569
that section on and after that effective date. 88570

(E) All other amendments by this act of sections 107.036, 88571
122.85, 5726.98, 5733.98, 5747.98, and 5751.98 of the Revised Code 88572
apply on and after the effective date of this section. 88573

(F) The Director of Development Services shall rescind 88574
certification of a motion picture that was certified as a tax 88575
credit-eligible production under section 122.85 of the Revised 88576
Code before the effective date of this section if the production 88577
of that motion picture has not begun on or before the effective 88578
date of this section or within one year of the date the production 88579

was certified, whichever is later. 88580

Section 757.260. (A) As used in this section, "vapor distributor," "vapor products," and "tobacco products" have the same meanings as in section 5743.01 of the Revised Code. 88581
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(B) Notwithstanding division (B) of section 5743.61 of the Revised Code, a vapor distributor that is not in the business of distributing tobacco products shall apply for the license described in division (A)(1) of that section on or before September 30, 2019, or on the day preceding the first day the vapor distributor engages in the business of distributing vapor products within this state, whichever is later. The initial vapor products license issued under this section shall be valid until January 31, 2021, or, if it is issued after that date, the last day of January of the ensuing calendar year. 88584
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(C) Licenses issued under this section are subject to the same rules and procedures as licenses issued under section 5743.61 of the Revised Code, and may be suspended by the Tax Commissioner under division (D) of that section. 88594
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(D) A vapor distributor holding an active license to distribute tobacco products on October 1, 2019, may continue to distribute vapor products without obtaining a separate license under this section. 88598
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Section 757.270. The amendment by this act of portions of section 5743.62 of the Revised Code pertaining to the taxation of vapor products and of sections 5743.01, 5743.025, 5743.14, 5743.20, 5743.41, 5743.44, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.59, 5743.60, 5743.61, and 5743.63 of the Revised Code applies on and after October 1, 2019. 88602
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Section 806.10. SEVERABILITY 88608

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 88615

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2021, unless its context clearly indicates otherwise.

Section 812.10. SUBJECT TO REFERENDUM 88620

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

The amendment by this act of sections 5165.21 and 5165.361 of the Revised Code takes effect July 1, 2021.

Section 812.12. (A) The amendment by this act to division (B) of section 5165.15 of the Revised Code takes effect July 1, 2021.

(B) The amendment by this act to section 5165.15 of the Revised Code that adds a division (E) to that section takes effect on the ninety-first day after this act is filed with the Secretary of State.

Section 812.20. The amendment by this act of sections 321.24, 718.83, 718.85, 718.90, 3311.78, 3311.79, 3314.351, 3317.141,

3319.283, 3326.13, 4301.43, 5741.01, 5741.04, 5741.05, 5741.07, 88637
5741.071, 5741.11, 5741.13, 5741.17, 5745.05, 5747.50, and 5751.02 88638
of the Revised Code; the amendment of division (B)(1) of, and the 88639
amendment adding division (D) to, section 131.44 of the Revised 88640
Code; the amendment adding a sentence to the end of the second 88641
paragraph of division (A) of section 5747.06 of the Revised Code; 88642
and the repeal by this act of section 3319.074 of the Revised Code 88643
are exempt from the referendum under section 1d of Article II, 88644
Ohio Constitution, and therefore takes effect immediately when 88645
this act becomes law. 88646

Section 812.23. Sections of this act prefixed with numbers in 88647
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 88648
the referendum under Ohio Constitution, Article II, Section 1d, 88649
and therefore take immediate effect when this act becomes law. 88650

Section 812.30. The sections that are listed in the left-hand 88651
column of the following table combine amendments by this act that 88652
are and that are not exempt from the referendum under Ohio 88653
Constitution, Article II, sections 1c and 1d and section 1.471 of 88654
the Revised Code. 88655

The middle column identifies the amendments to the listed 88656
sections that are subject to the referendum under Ohio 88657
Constitution, Article II, section 1c and therefore take effect on 88658
the ninety-first day after this act is filed with the Secretary of 88659
State or, if a later effective date is specified, on that date. 88660

The right-hand column identifies the amendments to the listed 88661
sections that are exempt from the referendum under Ohio 88662
Constitution, Article II, section 1d and section 1.471 of the 88663
Revised Code and therefore take effect immediately when this act 88664
becomes law or, if a later effective date is specified, on that 88665
date. 88666

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3314.017	All amendments except as described in the right-hand column	The amendments to divisions (C) and (H) take effect immediately when this bill becomes law	88667 88668
	Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:		88669 88670 88671 88672 88673 88674 88675 88676
	Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd General Assembly.		88677 88678 88679 88680
	Section 149.43 of the Revised Code as amended by Am. Sub. H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, all of the 132nd General Assembly.		88681 88682 88683 88684
	Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.		88685 88686 88687
	Section 718.01 of the Revised Code as amended by both Am. Sub. H.B. 49 and Sub. H.B. 133 of the 132nd General Assembly.		88688 88689
	Section 1739.05 of the Revised Code as amended by Sub. H.B. 156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General Assembly.		88690 88691 88692

Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	88693 88694 88695
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	88696 88697
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	88698 88699
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	88700 88701
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	88702 88703
Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly.	88704 88705
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	88706 88707
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	88708 88709
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	88710 88711
Section 3501.05 of the Revised Code as amended by both Am. Sub. S.B. 109 and Sub. S.B. 205 of the 130th General Assembly.	88712 88713
Section 3517.99 of the Revised Code as amended by both Am. Sub. H.B. 99 and Am. Sub. S.B. 9 of the 121st General Assembly.	88714 88715
Section 4301.62 of the Revised Code as amended by both Sub. H.B. 522 of the 132nd General Assembly and Am. Sub. H.B. 62 of the 133rd General Assembly.	88716 88717 88718
Section 4730.14 of the Revised Code as amended by both Sub. S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	88719 88720
Section 4730.25 of the Revised Code as amended by Am. Sub.	88721

H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am.	88722
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	88723
Section 4735.09 of the Revised Code as amended by both Sub.	88724
H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	88725
Section 5126.05 of the Revised Code as amended by both Sub.	88726
H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	88727
Section 5162.01 of the Revised Code as amended by both Sub.	88728
H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	88729
Section 6111.03 of the Revised Code as amended by both Am.	88730
S.B. 2 and Am. Sub. H.B. 49 of the 132nd General Assembly.	88731
Section 221.13 of H.B. 529 of the 132nd General Assembly as	88732
amended by both Sub. H.B. 292 and Am. Sub. S.B. 299 of the 132nd	88733
General Assembly.	88734
Section 815.30. (A)(1) Section 149.45 of the Revised Code is	88735
presented below without amendment to confirm harmonization of the	88736
section, under division (B) of section 1.52 of the Revised Code,	88737
as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd	88738
General Assembly:	88739
Sec. 149.45. (A) As used in this section:	88740
(1) "Personal information" means any of the following:	88741
(a) An individual's social security number;	88742
(b) An individual's state or federal tax identification	88743
number;	88744
(c) An individual's driver's license number or state	88745
identification number;	88746
(d) An individual's checking account number, savings account	88747
number, credit card number, or debit card number;	88748
(e) An individual's demand deposit account number, money	88749

market account number, mutual fund account number, or any other 88750
financial or medical account number. 88751

(2) "Public record," "designated public service worker," and 88752
"designated public service worker residential and familial 88753
information" have the meanings defined in section 149.43 of the 88754
Revised Code. 88755

(3) "Truncate" means to redact all but the last four digits 88756
of an individual's social security number. 88757

(B)(1) No public office or person responsible for a public 88758
office's public records shall make available to the general public 88759
on the internet any document that contains an individual's social 88760
security number without otherwise redacting, encrypting, or 88761
truncating the social security number. 88762

(2) A public office or person responsible for a public 88763
office's public records that, prior to October 17, 2011, made 88764
available to the general public on the internet any document that 88765
contains an individual's social security number shall redact, 88766
encrypt, or truncate the social security number from that 88767
document. 88768

(3) Divisions (B)(1) and (2) of this section do not apply to 88769
documents that are only accessible through the internet with a 88770
password. 88771

(C)(1) An individual may request that a public office or a 88772
person responsible for a public office's public records redact 88773
personal information of that individual from any record made 88774
available to the general public on the internet. An individual who 88775
makes a request for redaction pursuant to this division shall make 88776
the request in writing on a form developed by the attorney general 88777
and shall specify the personal information to be redacted and 88778
provide any information that identifies the location of that 88779
personal information within a document that contains that personal 88780

information. 88781

(2) Upon receiving a request for a redaction pursuant to 88782
division (C)(1) of this section, a public office or a person 88783
responsible for a public office's public records shall act within 88784
five business days in accordance with the request to redact the 88785
personal information of the individual from any record made 88786
available to the general public on the internet, if practicable. 88787
If a redaction is not practicable, the public office or person 88788
responsible for the public office's public records shall verbally 88789
or in writing within five business days after receiving the 88790
written request explain to the individual why the redaction is 88791
impracticable. 88792

(3) The attorney general shall develop a form to be used by 88793
an individual to request a redaction pursuant to division (C)(1) 88794
of this section. The form shall include a place to provide any 88795
information that identifies the location of the personal 88796
information to be redacted. 88797

(D)(1) A designated public service worker may request that a 88798
public office, other than a county auditor, or a person 88799
responsible for the public records of a public office, other than 88800
a county auditor, redact the designated public service worker's 88801
address from any record made available to the general public on 88802
the internet that includes designated public service worker 88803
residential and familial information of the designated public 88804
service worker making the request. A designated public service 88805
worker who makes a request for a redaction pursuant to this 88806
division shall make the request in writing and on a form developed 88807
by the attorney general. 88808

(2) Upon receiving a written request for a redaction pursuant 88809
to division (D)(1) of this section, a public office, other than a 88810
county auditor, or a person responsible for the public records of 88811
a public office, other than a county auditor, shall act within 88812

five business days in accordance with the request to redact the 88813
address of the designated public service worker making the request 88814
from any record made available to the general public on the 88815
internet that includes designated public service worker 88816
residential and familial information of the designated public 88817
service worker making the request, if practicable. If a redaction 88818
is not practicable, the public office or person responsible for 88819
the public office's public records shall verbally or in writing 88820
within five business days after receiving the written request 88821
explain to the designated public service worker why the redaction 88822
is impracticable. 88823

(3) Except as provided in this section and section 319.28 of 88824
the Revised Code, a public office, other than an employer of a 88825
designated public service worker, or a person responsible for the 88826
public records of the employer, is not required to redact 88827
designated public service worker residential and familial 88828
information of the designated public service worker from other 88829
records maintained by the public office. 88830

(4) The attorney general shall develop a form to be used by a 88831
designated public service worker to request a redaction pursuant 88832
to division (D)(1) of this section. The form shall include a place 88833
to provide any information that identifies the location of the 88834
address of the designated public service worker to be redacted. 88835

(E)(1) If a public office or a person responsible for a 88836
public office's public records becomes aware that an electronic 88837
record of that public office that is made available to the general 88838
public on the internet contains an individual's social security 88839
number that was mistakenly not redacted, encrypted, or truncated 88840
as required by division (B)(1) or (2) of this section, the public 88841
office or person responsible for the public office's public 88842
records shall redact, encrypt, or truncate the individual's social 88843
security number within a reasonable period of time. 88844

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a designated public service worker sustains as a result of the inclusion of the designated public service worker's address on any record made available to the general public on the internet in violation of this section, unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or unless division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies.

(2) The foregoing presentation supersedes section 149.45 of the Revised Code as it results, respectively, from H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly.

(B) Section 149.45 of the Revised Code was amended together with, and in relation to, section 149.43 of the Revised Code by H.B. 341 of the 132nd General Assembly. Section 149.43 of the Revised Code is presented elsewhere in this act.